

**AFFIRMATIVE  
ACTION  
PLAN**

**2010-2012**

**Minnesota West  
Community and Technical  
College**

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## STATEMENT OF COMMITMENT

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Minnesota West Community and Technical College is committed to conducting all personnel and educational activities without regard to race, sex, color, creed, religion, age, national origin, marital status, disability, status with regard to public assistance, sexual orientation, or membership or activity in a local commission as defined by law. Personnel activities include, but are not limited to: recruitment, selection, placement, employee development, promotion, retention, compensation, leaves of absence, disciplinary action, transfer, demotion, termination, and layoffs affecting all employees and job applicants. Minnesota West Community and Technical College will not tolerate discrimination on the basis of these protected class categories in accordance with all state and federal equal opportunity/affirmative action laws, directives, orders and regulations.

Minnesota West Community and Technical College is committed to implementation of this affirmative action plan and fully supports the State of Minnesota's affirmative action efforts. Minnesota West Community and Technical College will implement and maintain an affirmative action program that takes aggressive measures to eliminate internal barriers to equal opportunity and that strives to remedy the historical underrepresentation in the employment, retention and promotion of qualified persons with disabilities, persons of color, and women.

It is Minnesota West Community and Technical College's policy to actively pursue equal employment practices during all phases of the employment process. In that spirit, Minnesota West Community and Technical College will continue to seek opportunities to maximize the selection and retention of protected group employees by:

- ◆ continuing to actively and aggressively recruit protected group applicants;
- ◆ continuing affirmative action training for employees, with an emphasis on those serving on selection committees; and by
- ◆ supporting affirmative measures to retain protected group employees.

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**Richard Shrubbs, President; Minnesota West Community and Technical College**      **Date**

**III. AFFIRMATIVE ACTION PLAN TRANSMITTAL FORM**

**Minnesota West Community and Technical College for Plan Years 2008-2010**

- 1. Our July 15, 2008 review of the goal units listed below revealed underutilization of the following protected group(s) as indicated by an X:**

<b>Goal Units</b>	Women	Minorities	Disabilities
Admin/Managers		X	X
Faculty - Tech	X	X	X
Faculty - CC		X	X
Professional/Paraprofessional		X	X
Technicians			
Sec/Clerical		X	X
Service/Maintenance	X	X	X

- 2. The Affirmative Action Plan will be placed at the following central locations so that every employee is aware of the college's commitment in affirmative action for the year: libraries on all campuses, available from the human resources office, the campus Deans, and the college Web Site.**

- 3. This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure as well as Minnesota West affirmative action goals for this fiscal year.**

\_\_\_\_\_ **Affirmative Action Officer** \_\_\_\_\_ **Date**

- 4. This annual plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described.**

\_\_\_\_\_ **President** \_\_\_\_\_ **Date**

- 5. This annual plan meets the rules governing affirmative action, MCAR Chapter 3905.0600, Statutory Authority 43A.04, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.**

\_\_\_\_\_ **Director, Office of Diversity and Equal Opportunity** \_\_\_\_\_ **Date**

## IV. RESPONSIBILITY FOR IMPLEMENTATION

### **President:**

As the primary administrator of Minnesota West Community and Technical College, the President is responsible for overseeing Minnesota West's equal opportunity and affirmative action policies, procedures and programs as well as assuring compliance with all related state and federal laws, rules and regulations. Final disposition of all such issues resides with the President.

The President shall:

1. Ensure that adequate staffing and resources are committed to implementing college and System policies in the area of affirmative action.
2. Appoint an affirmative action officer (AAO) to assist in carrying out established affirmative action responsibilities.
3. Incorporate into the position description of all administrators and supervisors a clear definition of their responsibilities in the area of affirmative action and include an evaluation of the performance of these responsibilities as part of the annual performance review process.
4. Encourage underutilized group members to participate on respective committees throughout the college and that the various constituencies within the college are also represented.
5. Provide the MnSCU Chancellor with an annual summary of the college's accomplishment in meeting goals set during the previous year.

### **Accountability:**

The President, Dr. Richard Shrubbs, telephone number 507-372-3400, is directly accountable to the Chancellor on all matters relating to equal opportunity and affirmative action at Minnesota West Community and Technical College.

### **Equal Opportunity/Affirmative Action Officer**

The Equal Opportunity/Affirmative Action Officer is responsible for the overall implementation and administration of Minnesota West Community and Technical College's equal opportunity and affirmative action programs.

1. Ensure that the College is in compliance with Federal, State, and System laws, regulations and policies pertaining to nondiscrimination/affirmative action.
2. Advise the President on AA program progress as well as advise appropriate hiring supervisors.
3. Monitor, as appropriate, the search and selection process for all positions in accordance with established guidelines and procedures for recruitment.
4. Provide recommendations to appropriate members of the college community regarding nondiscrimination/AA.
5. Assist with the preparation of internal and external institutional reports on AA efforts and accomplishments. Prepare and update the college affirmative action plan.
6. Assist with the coordination and promotion of affirmative action training and education programs
7. Serve as a resource for the college, and for the employees on affirmative action laws, regulations and procedures.

8. Review, investigate, and process complaints of race discrimination/harassment, sexual discrimination/sexual harassment, sexual violence, discrimination/harassment based on age, disability, color, creed, national origin, religion, sexual orientation, marital status, status with regard to public assistance or membership in a local commission.

Accountability:

The Equal Opportunity Officer/Affirmative Action Officer, Karen Miller, telephone number 507-223-7252, is directly accountable to the President for the overall implementation and administration of Minnesota West's equal opportunity and affirmative action programs.

**Administrative Supervisors** (Vice Presidents, Deans, Department Chairpersons and Department Directors/Coordinators):

Administrators/Supervisors are responsible for enforcing and implementing equal opportunity and affirmative action policies, procedures, and programs within their functional areas of responsibility. Administrators/Supervisors shall:

1. Assure that all nondiscrimination/affirmative action policies, plans and procedures are complied with and carried out in their respective administrative units.
2. Assure that all employees within their administrative units are informed of the college's nondiscrimination/affirmative action policies, procedures and practices.
3. Assist the Affirmative Action Officer in determining annual vacancies and hiring goals.
4. Identify factors which may impede the college's pursuit of its nondiscrimination/affirmative action goals and objectives.

Accountability:

Accountability for Administrators/Supervisors is reflected in the Minnesota West organizational chart. A copy of the college's organizational chart is available in the Human Resource office.

**Human Resource Director:**

In addition to the responsibilities and duties described above for the Administrators/Supervisors, the Director of Human Resources is also responsible as described below for classified and unclassified positions.

1. Monitor the recruitment and selection process of all classified positions at Minnesota West, in accordance with Minnesota Statutes 43.18 and 179.74, Department of Employee Relations (DOER) Personnel Rules, and applicable collective bargaining agreements.
2. Monitor the recruitment and selection process of all unclassified positions at Minnesota West Community and Technical College in accordance with applicable personnel rules and applicable collective bargaining agreements.
3. Ensure that the recommendations of supervisors and others involved in the hiring process are based on job related criteria and are consistent with affirmative action goals and objectives.

Accountability:

The Human Resource Director, Karen Miller (507-223-7252), is accountable to the Vice President of Administration, Lori Voss (507-223-7252), and the President.

## **V. DISSEMINATION OF POLICY**

The following measures will be used to inform Minnesota West Community and Technical College's employment and educational communities and the public of our commitment to Affirmative Action and Equal Opportunity in all employment and educational policies, procedures, programs, services and opportunities.

### **INTERNAL DISSEMINATION**

1. A summary of the college's Equal Opportunity and Affirmative Action Policy statements shall be included in appropriate college publications and media, such as the employee handbook, the college Catalogue and other similar publications.
2. Orientation programs at the start of each school year for students and employees shall include a discussion on the college's Equal Opportunity/Affirmative Action Policy.
3. Provide training to managers and supervisors on affirmative action and equal opportunity issues;
4. All recruitment brochures, job announcements, vacancy notices and the college website shall identify the college as an Equal Opportunity Employer and Educator.
5. The Affirmative Action Plan will be placed at the reserve desk in the campus libraries and will be posted on the college website.
6. Copies of the college's Affirmative Action Plan shall be provided to all interested persons upon request. The plan will also be provided to all members of the President's Cabinet. It may be available in an alternative format upon request.

### **EXTERNAL DISSEMINATION**

1. All job announcements, vacancy notices, website home page, letterhead, brochures and other education or employment related materials shall identify Minnesota West as an Equal Opportunity Employer and Educator.
2. Publicize via a variety of protected group and non-protected group media sources, Minnesota West Community and Technical College's commitment to the recruitment of employment, promotion and retention of individuals with disabilities, women and minorities;
3. Information on Minnesota West Community and Technical College's Affirmative Action Plan shall be made available to all external constituents upon request.



## VI. NONDISCRIMINATION/COMPLAINT PROCEDURE

It is the policy of Minnesota West Community and Technical College to undertake and maintain a program of affirmative and positive action and of nondiscrimination as determined by MnSCU policy 1B.1 in educational opportunities and employment. No person shall be discriminated against in the terms and conditions of employment, personal 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, or membership or activity in a local commission as defined by law.

Harassment of an individual or group on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, or membership or activity in a local commission has no place in a learning or work environment and is prohibited. Sexual violence has no place in a learning or work environment. Further, Minnesota West shall work to eliminate violence in all its forms. Physical contact by designated college staff members may be appropriate if necessary to avoid physical harm to persons or property.

This policy is directed at verbal and 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 West will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. The college shall develop and implement a complaint process to review complaints of discrimination, harassment or sexual violence.

1. To assure that equal educational and employment opportunities are made available on the basis of individual qualifications.
2. To encourage all persons to seek enrollment or employment with the College.
3. To assure compliance with Title IX of the Education Amendments of 1972 prohibiting discrimination in educational programs and activities. In carrying out this policy, the College recognizes that it must act affirmatively to guarantee equal educational opportunity;
  - a. It must undertake aggressive recruitment, hiring and comprehensive in-service training programs as necessary, to ensure equal access to promotion and educational opportunities.
  - b. It must take affirmative measures to eliminate any discriminatory practices in student recruitment and program placement, courses, counseling services and extra-curricular activities.

The College will ensure that all personnel activities, including recruitment, hiring, promotion, compensation, benefits, transfers, lay-offs, college sponsored in-service training and tuition assistance, social and recreational programs, and all student body activities including admissions and treatment of students in educational, recreational, and extra curricular programs will be administered without regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public

assistance, sexual orientation, or membership or activity in a local commission as defined by law.

To seek fair and just solutions to problems of discrimination/harassment, the System Chancellor has implemented complaint procedures which are available to all members of Minnesota State Colleges and Universities. Minnesota West Community and Technical College adheres to this policy. Please see Appendix B for the Nondiscrimination in Employment and Educational Policy. A copy of the policy is available in the Human Resources office or can be downloaded from the MnSCU website at [www.mnscu.edu](http://www.mnscu.edu) under the policy link.

The procedural steps for filing a discrimination/harassment complaint are outlined in System Procedure 1.B.1.1. Please see Appendix C for the Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure. A copy of the procedure is available from the Human Resource office or can be downloaded from the MnSCU website at [www.mnscu.edu](http://www.mnscu.edu) under the policy link.

To file a complaint of harassment/discrimination employees should use the form designated in Appendix A.

## VII. ESTABLISHMENT OF HIRING GOALS AND TIMETABLES

At present, the following vacancies exist:

General Maintenance Worker in Worthington  
MnSCU Academic Professional 1 in Worthington

It is difficult to anticipate the future vacancies for the 2010-2012 years. There are possible retirements but they have not been identified at this time.

- 1. GOAL:** Minnesota West Community and Technical College's overall AA goal is to improve its representation of underrepresented groups. In order to accomplish this goal, each new hiring opportunity is viewed as an AA opportunity, and each hiring unit is expected to make a special effort to recruit applicants in areas where underutilization has been identified. Minnesota West is committed to hiring individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodation and will strive to achieve this as opportunities occur. Goal is ongoing.

Specific Action Step:

We will actively work to recruit and hire qualified candidates in the disparate areas of female, minority and disabled in all groups that are identified as disparate.

Assignment of Responsibility:

Affirmative Action Officer, appropriate Administrators and search teams.

Evaluation Procedure:

Statistics will reflect increased hiring in areas of disparity.

- II. GOAL:** Evaluate the process in which data is collected for the workforce analysis information to determine if specific populations have not been included.

Specific Action Step:

Continuously monitor the status of the workforce to determine if special populations are included.

Assignment of Responsibility:

Affirmative Action Officer, HR Staff.

- III. GOAL:** Provide discrimination/harassment training for employees. Goal is ongoing.

Specific Action Step:

Renee Hogoboom from the Office of Diversity will present two breakout sessions at fall duty day in August of 2010 in an effort to educate all faculty and staff in terms of discrimination.

Assignment of Responsibility:  
Affirmative Action Officer

Target Completion Date:  
Ongoing

- IV. GOAL:** Provide multiple opportunities for speakers on different cultures and languages in order to educate our workforce on diverse cultures.

Specific Action Step:  
Minnesota West considers themselves socially responsible to educate their workforce as well as the student population about the diversity of our area.

Assignment of Responsibility:  
Multicultural Affairs Coordinator and Student Services Advisors

Target Completion Date:  
Ongoing

- V. GOAL:** Follow a standard discrimination/harassment complaint procedure set up by MnSCU. Goal is ongoing.

Specific Action Step:  
As complaints are made the procedure set by MnSCU will be followed. Training will be given to the Title IX Officers and procedures will be clearly defined.

Assignment of Responsibility:  
MnSCU Affirmative Action Officer and Title IX Officers.

Evaluation Procedure:  
Resolution of issues and complaints will be in compliance with MnSCU policy.

### **Separation Analysis:**

During the fiscal years 2009 and 2010, 18 employees separated from Minnesota West Community and Technical College. This group included 6 females and 12 males. Further analysis indicates that no disabled and one minority employee terminated employment. The separation of the minority applicant was due to the fact that he held a temporary MAPE unclassified position and the position ended as expected within less than a year. Upon review of exit interviews completed by employees who left employment no claims of discrimination were identified. Of the 18 separations, ten were for retirement, one involved a death of an employee, one involved a transfer of an employee to another state agency and five involved layoffs, the final separation was due to the position ending. The separations due to layoff typically involved program closure due to low enrollment.

## **VIII. PROGRAM OBJECTIVES**

### **General Objectives**

Minnesota West Community and Technical College recognizes that there are various groups which are underutilized in educational programs and employment within the college. The college also recognizes that the value of the diversity of cultural experiences for all students and employees will be achieved through full participation of underutilized groups in the educational process and in employment. Therefore, the college commits to programs of affirmative action intended to remedy this underutilization and to encourage cultural diversity and participation by members of these groups in all facets of college life. In pursuit of its commitment to affirmative action, the college shall take action as follows:

### **Recruitment and Hiring**

In the recruitment and selection of unclassified employees, each administrative unit or department shall follow the procedures listed in the faculty hiring plan which is available on the college website or from the Human Resource Office.

### **Career Development Opportunities**

To promote professional development within the college, women, persons with disabilities, and minorities will be encouraged to apply for sabbatical leaves, and other developmental programs or training opportunities available to college employees. Administrative supervisors or heads will inform their employees of career development opportunities. In addition, employees may also request approval from their respective supervisor to participate in training and educational programs.

Minnesota West Community and Technical College also supports the assignment of underutilized group members to administrative and supervisory positions whenever possible.

### **Promotion and Tenure**

Each administrative supervisor or head will assess all candidates for promotion or tenure on the basis of performance and achievement and criteria included in bargaining unit contracts. In addition, all promotions and tenure-related action will be administered on a fair and equitable basis.

### **Terminations**

Terminations will be reviewed to ensure they are conducted fairly and in a nondiscriminatory manner and according to bargaining unit contracts.

### **Policy Awareness**

The Director of Human Resources will be available to provide training on the college's Affirmative Action policies, programs and procedures. Information will be

made available to employees to create an awareness of discrimination/harassment and proper procedures to follow in filing a complaint.

**Specific Objectives:**

**Objective 1:**

The Director of Human Resources will keep abreast of EEOC guidelines, new policies and procedures and trends within the field in order to effectively implement equal opportunity and affirmative action at the College.

**Action Steps:**

1. Keep abreast of EEO/AA policy changes and attend all appropriate MnSCU and DOER training sessions.
2. Review training materials for discriminatory harassment, discrimination, sexual harassment, affirmative action and ADA to ensure currency.
3. Contact the MnSCU System Director for Equal Opportunity or DOER with any questions or concerns pertaining to EEO/AA/ADA.
4. Relate current information to appropriate College personnel.

**Responsibility Assignment:**

The Director of Human Resources/Affirmative Action Officer and other college Administrators/Supervisors will be responsible as appropriate to the situations that arise.

**Target Completion Dates:**

Action Steps 1-4 are ongoing and will be continued annually.

**Objective 2:**

The College will continue to attempt to hire affirmatively at all opportunities and will include affirmative action consideration in the hiring process whenever a disparity exists.

**Action Steps:**

1. The Director of Human Resources will maintain and provide current information regarding disparities to the appropriate supervisors when vacancies occur.
2. For all vacancies, the Human Resource Office will conduct a pre-hire review in conjunction with the interview process.
3. The Human Resource Office will maintain files with documentation on affirmative and justified hires and on missed opportunities.

**Responsibility Assignments:**

The Director of Human Resources will be responsible for action steps 1-3.

**Target Completion Dates:**

Action Steps 1-3 will be ongoing.

**Objective 3 :**

Provide information on college policies to departments and hiring committees to assist them in the recruitment of women, minority and persons with disabilities.

**Action Steps:**

1. Conduct updates that are directed towards informing all staff of the affirmative action plan and the goals and objectives contained in the plan.
2. Provide guidelines and policies to all administrators and committee chairs to inform them of the appropriate recruitment and hiring procedures.
3. Identify networking activities with professional groups and/or persons in protected groups to expand recruitment opportunities.

4. Emphasis will be placed on expanding recruitment activities to disparate groups to fill future vacancies in underutilized areas.

**Responsibility Assignment:**

The Director of Human Resources will be responsible for action steps 1-4.  
Campus Dean's and College Supervisors will be responsible for action step #3.

**Target Completion Dates:**

Action Step 1: Annually and ongoing.

Action Step 2: Meetings will be held and/or information provided as new positions open.

Action Step 3-4: Ongoing.

**Objective 4:**

Ensure that employees are aware of the college's discrimination and harassment policies and the necessary action to take if a person has been a victim of harassment or discrimination.

**Action Steps:**

1. Review and update college policy.
2. Orientation presentations will be conducted for faculty and staff through on-line presentations and to new employees during orientation.

**Responsibility Assignment:**

The Affirmative Action Officer/Human Resource Director and the College Provost will be responsible for Action Step 1. The Human Resources Director will be responsible for Action Step 2.

**Target Completion Dates:**

Action Step 1 will be reviewed and revised annually by September of each year.

Action Step 2 will be completed annually.

**Objective 5:**

Provide college-wide education through online presentations in the areas of disabilities to promote awareness and understanding and to address the needs of persons with disabilities.

**Action Steps:**

1. Ensure that all campuses address these issues and provide information to faculty and staff.
2. Continue efforts to develop online training for employees, informing them of relevant information and federal regulations outlining the rights of students and employees who are disabled, including the American with Disabilities Act.
3. Provide online access to employee/faculty handbooks and the student handbook. Hardcopy handbooks are available upon request from each Campus Dean.

**Responsibility Assignment:**

Affirmative Action Officer and Campus Deans.

**Target Completion Dates:**

Action Step 1 will be completed annually.

Action Step 2 will be completed throughout the school year as courses are developed.

Action Step 3 annually and as requested.

**Objective 6:**

Assist the community in recognizing discrimination and its effects and establish an environment where the dignity and worth of all persons are respected.

**Action Steps:**

Student Support coordinators and the Director of Multicultural Affairs will develop and implement a variety of activities and events to increase cultural/gender awareness on all campuses and of the college. At the start of each school year, a schedule of events will be identified to be implemented throughout the year.

**Responsibility Assignment:**

Student Support coordinators and the Director of Multicultural Affairs at all Minnesota West campuses.

**Target Completion Dates:**

Action Step 1 is an ongoing activity.

**Objective 7:**

Develop materials to be included in orientation sessions for all incoming first year students which include information regarding discriminatory harassment, sexual harassment and all other forms of harassment, and the Americans with Disability Act and any other pertinent information for students.

**Action Steps:**

1. Development of a variety of presentations and materials to address the college policies and other pertinent information for students.
2. The College Provost and the Campus Deans will assure that this information is presented at all student orientation sessions on all Minnesota West campuses on an annual basis.

**Responsibility Assignment:**

The College Provost and Campus Deans.

**Target Completion Date:**

Annually and ongoing.

**Objective 8:**

Review and evaluate employee hiring and retention records.

**Action Steps:**

1. Review past fiscal years' retention records for employees. The review will include available opportunities for promotion of existing employees.
2. Review past separation patterns to identify any possible disparities between protected and non-protected group members.
3. Identify trends and determine methods to improve retention.

**Responsibility Assignment:**

The Human Resource Director and all College Supervisors will be responsible for employee retention issues.

**Target Completion Date:**

Ongoing



<b>IX. METHODS OF AUDITING, EVALUATION AND REPORTING PROGRAM SUCSESSES</b>
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**Pre-employment Review**

State law governing affirmative action programs requires Minnesota West Community and Technical College to establish methods of auditing, evaluating and reporting program success. This includes a procedure for pre-employment review of all hiring decisions for units where underutilization currently exists.

**Procedure for Reviewing Layoffs**

Minnesota West Community and Technical College will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans. Proposed layoff decisions are reviewed by the Human Resource Director/Affirmative Action Office to evaluate their effect on Minnesota West's affirmative action program.

**Recordkeeping and Evaluation**

The Office of Human Resources staff records data regarding all hires on the Protected Group forms.

The Office of Human Resources staff maintains all search materials in the central files of the Human Resource office.

The Affirmative Action Officer maintains documentation relating to all Affirmative Action complaints.

Annual review of hires will determine the success and/or additional requirements of the Affirmative Action Program.

**PRE-HIRE REVIEW:**

1. The Human Resource Director, the College Provost, or a program area or department determines that a vacancy exists and administrative approval is obtained to conduct a search.
2. A search committee will be formed that meets the criteria identified in the appropriate hiring policy. A minimum of four members are recommended for faculty searches, and seven to nine members for administrative searches of dean and above. The list of members shall be submitted to the Human Resource Director/Affirmative Action Officer for approval.
3. The role of the search committee is to be a partner with the administration in filling the vacancy. Tasks will include a review of the position description, creation of the interview questions, the solicitation of candidates, and the evaluation of candidates. The committee must determine the distribution of tasks to be performed so the entire process becomes a shared responsibility.

4. For full-time vacancies, the Human Resources Director reviews the position description and availability data, and notes whether or not underutilization exists. Equal opportunity and affirmative action goals will be considered for all hiring procedures.
5. The search committee chair, in cooperation with the appropriate supervisor and the Human Resource Office, develops a plan of recruitment sources and activities, drafts advertisements, a vacancy notice, interview questions, evaluation forms. At this time, all parties must agree on specific tasks that must be completed, and which person has responsibility for each task with a timeline for completion.
6. When applications are received, each applicant is sent a Supplemental Personnel Data Form and a stamped, self-addressed envelope for its return to the Affirmative Action Officer to monitor the equal opportunity progress
7. After the initial screening, the list of semifinalists is submitted to the Human Resources Director. When the interviews have been completed, the search committee submits a final list of two names to the appropriate Vice President. Final candidates must be submitted in unranked order. The list is then sent to the President for final selection of all full-time positions.
8. When underutilization exists, it is important that available protected group candidates are included at every stage of the application process when possible. The search committee chairperson has the responsibility for writing the rationale for the selected candidate and/or rationale for why all the other candidates were not selected.
9. At any stage of the process, the Human Resources Director/Affirmative Action Officer may request that the president extend and/or close the search if the pool of under-represented candidates is not satisfactory.

## IX. WEATHER EMERGENCIES/BUILDING EVACUATION

In accordance with MnSCU Policy 4.4, the following procedure is in effect when it becomes necessary to close the college or cancel academic or non-academic activities or delay the opening of the college due to inclement weather or other emergency conditions.

**Definitions:**

a. Closing the Campus: Closing a campus of the college means to close all operations other than those operations deemed essential to the protection of life and property. All general offices are closed.

b. Delayed Opening: Delayed opening refers to closing of all operations other than those operations deemed essential to the protection of life and property for a designated period of time.

c. Cancellation of Classes and/or Activities: Cancellation of classes (off-campus or on-campus) means to cancel one, several or all classes, in the absence of officially closing the entire campus.

In the event of the closing of the college because of a weather emergency or any other condition, it will be the responsibility of the college President to close the five campuses.

Notification of employees not on duty or students not on campus will be accomplished through announcements on designated radio stations according to each campus community and region. Specific radio stations have been identified to cover the region. Campus designees will have the responsibility to cancel classes and to notify students and employees with disabilities of the college's closing. Special considerations will be given to night classes and weather conditions within the region. Whenever possible, decisions to cancel day classes will be made by 5:30 a.m. and decisions to cancel night classes will be made no later than 4:00 p.m. Due to the large geographical area covered by Minnesota West, campuses participating in distance learning classes using Interactive Television may not be experiencing inclement weather at the same time. The host site, the site where the instructor teaches, will determine the status of the class by keeping in touch with the other campuses receiving the transmission, consulting with the other campuses designees on a case by case basis, and taking the appropriate measures to inform all persons according to procedure.

The decision to cancel non-academic events, in the absence of closing the college, will be made by the director of the activity in consultation with the campus designee.

For persons who are hard of hearing or deaf, the college will attempt to notify them of cancellations by using the Minnesota Relay Service TTY(1-800-627-3529) to contact the person.

In the case of a fire or building evacuation, the local fire department will be responsible for evacuating people within the buildings. Each campus has an evacuation plan. Each campus has posted the evacuation routes in all rooms and areas of the buildings.

At the beginning of each semester, faculty are asked to remind students and other college personnel that in the event of an emergency building evacuation, anyone having a disability that prohibits them from moving down stairwells should move to the nearest stairwell landing and the fire department can provide for their evacuation. In addition, all disabled students, faculty and college personnel/staff will have a non-disabled person assigned to them at the beginning of each semester to inform them of threatening situations and oversee their evacuation. Each Campus Dean will be responsible for the dissemination of the policy and to assure that a non-disabled person has been assigned to each person with a disability.

In situations where faculty, staff and students with disabilities need to be contacted at home, arrangements will be made with the individuals by the campus designee to identify the most appropriate manner to inform them of the situation and to use the Minnesota Relay Service TTY (1-800-627-3529). This is also the responsibility of each Campus Dean.

## IX. REASONABLE ACCOMMODATIONS

Minnesota West is committed to providing equal opportunities for qualified individuals with disabilities to participate in College services, programs, activities and employment. It is the policy of the College to provide reasonable accommodations in the employment of qualified individuals with disabilities as defined under the Americans with Disabilities Act of 1990 and the Minnesota Human Rights Act.

The ADA requires that employers provide reasonable accommodations to those individuals who are qualified for the position. The law defines a "qualified individual with a disability" as:

“Any person who has a physical or mental impairment which substantially or materially limits one or more of such person's major life activities.”

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. Reasonable accommodations do not include elimination of an essential function of a job. Examples of personal devices and services include wheelchairs, individual prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use of study; or services of a personal nature including assistance in eating, toileting or dressing.

Minnesota West may require an individual who requests an accommodation to provide medical documentation indicating the limitations of the individual and the need for an accommodation.

Funding: Accommodations which do not cause an undue hardship and comply with this policy will be funded by the college. An undue hardship is defined as action that is unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or the operation of the College.

The procedure for determining undue hardship is as follows:

1. The employee will meet with the ADA Coordinator to discuss the requested accommodation.
2. The ADA Coordinator will review undue hardships by considering:
  - a. The nature and cost of the accommodation in relation to the size, the financial resources and the nature and structure of the College; and
  - b. The impact of the accommodation on the nature or operation of the College.
3. The ADA Coordinator will provide a decision to the employee.

This policy ensures that the College complies with the State of Minnesota's Reasonable Accommodation policy.

The President has designated Karen Miller, Human Resource Director as the person responsible for administering requests for reasonable accommodations for employees. Minnesota West's procedure for providing reasonable accommodations in the workplace are as follows:

Request for Accommodations: Applicants, Employees & Employees Seeking Promotion

An employee requesting a job accommodation due to a disability should complete a form available in the Human Resource office. The Human Resource office will inform all applicants of their right to reasonable accommodations for disabilities.

1. The Human Resource coordinator may request appropriate medical documentation supporting the existence of a disability and detailing physical or mental limitations.
2. The ADA Coordinator will then determine whether the employee meets the definition of a qualified individual with a disability under the ADA and determine the precise limitations.
3. The ADA Coordinator will then identify potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential job functions.
4. The ADA Coordinator will select and implement the accommodation that is the most appropriate for both the individual and the College. The individual's preference will be considered but the College is free to choose among equally effective accommodations.
6. If a request for accommodations is not approved, the Coordinator shall inform the employee/applicant of the reasons for not approving in writing within 3 working days of the decision.

Rights and Responsibilities:

An employee with a disability has the right to a reasonable accommodation which allows them to carry out the essential functions of the job.

An employee has the right to the elimination or reassignment of marginal function of the job as a reasonable accommodation.

An employee has the responsibility to carry out essential job functions and to provide specific, relevant medical documentation of the need for accommodation.

As an employer, the College has the right to determine essential and marginal job duties.

The College further has the right to establish job qualifications, can request medical documentation, can establish standards of performance for a job, can choose the accommodation as long as it is effective. The College has the right to deny a request for accommodation to an individual who is not otherwise qualified to perform the essential job functions. The College also has the responsibility to treat each employee with a disability on an individual basis when determining reasonable accommodation. The College has a responsibility to document the request for and approve or deny an accommodation. All medical documentation must be maintained by the College in a confidential file separate from the employee's personnel file.

Appeals:

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the President, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the College's complaint procedure as outlined in this plan.

Minnesota West complies with the MnSCU policy on reasonable accommodations for qualified applicants and employees with disabilities and employees seeking promotion.

## **XII. RECRUITMENT**

Minnesota West is committed to increasing recruitment efforts aimed at protected group members. Minnesota West will actively recruit talent from diverse backgrounds for all positions. Recruitment is the responsibility of every supervisor and administrator who has the authority to make a hiring decision. The Affirmative Action Officer along with Administrators/Managers will lead the college's recruitment efforts by establishing meaningful relationships with diverse communities whenever possible.

### **1. Advertising:**

#### Advertisements were placed in the following:

Sioux Falls Argus Leader, Sioux Falls, SD  
Minneapolis Star & Tribune, Minneapolis, MN  
Chronicle of Higher Education, Washington, DC  
Marshall Independent, Marshall, MN  
Canby News, Canby, MN  
Fairmont Sentinel, Fairmont, MN  
Worthington Daily Globe, Worthington, MN  
Advocate Tribune, Granite Falls, MN  
Jackson County Pilot/Livewire, Jackson, MN  
Pipestone County Star, Pipestone, MN  
Adrian Nobles County Review, Adrian, MN  
Mankato Free Press, Mankato, MN  
Luverne Rock County Star Herald, Luverne, MN  
Montevideo American News, Montevideo, MN  
Blue Earth Fairbault County Register, Blue Earth, MN  
SD Brooking Register, Brookings, SD  
Sherburn West Martin Weekly News, Sherburn, MN  
West Central Tribune, Willmar, MN  
Madison Western Guard, Madison, MN  
Montevideo American News, Montevideo, MN  
Ivanhoe Times, Ivanhoe, MN  
Slayton Murray County Wheel Herald, Slayton, MN  
Nursing Faculty Jobs. Com (online)  
National Collegiate Athletic Association  
Watertown Public Opinion, Watertown, SD  
Sioux City Journal, Sioux City IA  
Estherville Daily News, Estherville, IA  
Vermillion Plan Talk, Vermillion, SD  
Daily Reporter, Spencer, IA  
Appleton Press, Appleton, MN  
Montevideo American News, Montevideo, MN  
Milford Lakes News Shopper, Milford, IA



Truman Tribune, Truman, MN  
Spirit Lake Dickson City News, Spirit Lake, IA  
Sibley Gazette Tribune, Sibley, IA  
Yankton Daily Press and Dakotan, Yankton, SD

The approximate total expenses incurred for FY2009 was \$31,890 and for FY2010 \$17,908. There was a decreased level of spending in FY 2010 because of a decrease in the number of vacancies.

Positions in the College are quite stable since all campuses are located in communities with relatively small populations. The largest community is Worthington with an approximate population of 12,000 and the smallest community is Canby with an approximate population of 1,800. The other three campuses are in communities with an average population of 3,500. Therefore, positions at the college campuses are probably some of the best paying jobs in each of these communities and turnover is very negligible. A majority of the turnover is due to retirements or the creation of new educational programs. Retirements for this reporting period have also been minimal as has turnover in general. For this biennium as compared to last the college had 29 less separations. Adjunct teaching positions are the most common openings available and these are usually very part-time positions on a limited basis with no contract opportunities.

## **2. Job Fairs:**

The College does not recruit candidates through job fairs and does not anticipate using job fairs as a recruitment method in the future.

## **3. Internships:**

Internship opportunities are directly related to a specific academic program of the educational institution. When possible, student interns will be provided an opportunity to earn academic credit and/or work experience while performing a valuable service to the department and college. The supervisor seeking a student intern will establish a mentoring relationship with the student and will work with the Human Resources Office to formalize and implement specific internship arrangements.

## **4. Other methods implemented.**

The College has used the following methods of recruiting and will continue these efforts at recruiting protected group members:

1. Mailings to Minnesota agencies and organizations.
2. Online advertising.
3. Direct recruiting to targeted business, industry associations and individuals.
4. Mailings to other Universities and College Placement Offices.
5. Minnesota West Community and Technical College Website.

## **5. Projected Hiring Opportunities and Strategies**

It is difficult for the college to project vacancies in the 2008-2010 reporting period. With the current state of the economy it appears that faculty and staff who were once making plans to retire are now either reconsidering those plans or delaying them. In FY 2008 we had no faculty retirements from unlimited faculty

which has not happened in recent years. Additionally as noted above, our separations were less than 50% for period 2006-2008 as compared to 2004-2006. If that trend were to remain stable or again decrease the college would have limited positions and opportunities to recruit other than new program areas.

### **XIII. RETENTION PLAN**

Minnesota West views retention as an essential component in retaining employees and evaluating programs. The responsibility for retention efforts lies with all Administrators, Supervisors and key staff at Minnesota West Community and Technical College.

As part of retention efforts, the College will follow these procedures:

- The Human Resources Office shall collect and report information on employee turnover.
- The Human Resources Office will develop an employee orientation program in which new employees are informed about the college's mission, programs, and appropriate College process.
- The College will provide on-going training and development for all new employees to ensure success and promotional opportunities. Each bargaining unit has funds available for staff development activities.
- The College will provide ongoing training for existing employees and supervisors to raise awareness and respect for cultural differences.
- The Human Resources Office will conduct exit interviews with employees who have resigned to gain information as to the cause of separation.
- Continue to promote EAP and other mediation services to resolve internal and external conflicts

**APPENDIX A**  
**MINNESOTA WEST COMMUNITY & TECHNICAL**  
**COLLEGE GENERAL HARASSMENT AND VIOLENCE POLICY**  
**REPORT FORM**  
General Statement of Policy Prohibiting  
All Forms of Discrimination

Minnesota West Community and Technical College maintains a firm policy prohibiting all forms of discrimination. It is the policy of Minnesota West to maintain a learning and working environment that is free from all harassment and violence.

Minnesota West prohibits any form of harassment and violence. It shall be a violation of this policy for any student or employee of the college to harass a student or an employee through conduct or communication of any nature. It shall be a violation of this policy for any student or employee of the college to be violent or discriminatory to a student or employee.

The college will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence and to discipline any student or employee who harasses or is violent to a student or employee of the college. This policy also covers any extension of the college environment; i.e., college-sponsored events.

Complainant \_\_\_\_\_  
Home Address \_\_\_\_\_  
Work Address \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

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

Name, address and phone number of persons you believe harassed or were violent toward you or another person:

If the alleged harassment or violence was toward another person, identify that person:

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

Where and when did the incident(s) occur?

List any witnesses who were present:

This complaint is filed based on my honest belief that \_\_\_\_\_ has harassed or has been violent to me or to another person. I hereby certify that the information I have provided in this complain is true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
(Complainant Signature) (Date)  
Received by \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX B**  
Minnesota State Colleges and Universities  
Board Policy 1.B.1  
Nondiscrimination in Employment and Education

**Part 1. Policy Statement.** Minnesota State Colleges and Universities is committed to a policy of nondiscrimination in employment and education opportunity. 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, or sexual orientation. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, or sexual orientation 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 non-discrimination policies.

**Part 2. Definitions.**

**Subpart A. Consensual Relationship.** 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 of Trustees Nepotism policy 4.10.

**Subpart B. Discrimination.** Discrimination is defined as 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 is defined as 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 has further defined sexual harassment as a form of sexual discrimination which is prohibited by state and federal law. Sexual harassment is defined as 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 and 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.** Minnesota State Colleges and Universities personnel include all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

**Subpart E. Protected Class.** Protected class for the purpose of this policy means that discrimination and harassment in employment and education are prohibited on the basis of: race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance or sexual orientation. In addition, membership or activity in a local human rights commission is a protected class in employment.

**Subpart F. Retaliation.** Retaliation includes, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she made a complaint under this policy or 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; or associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation or national origin. 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 the system office or any college or university from taking immediate action to protect victims of alleged sexual abuse. Minnesota State Colleges and Universities 1B.3 Sexual Violence Policy addresses sexual violence.

**Subpart H. Student.** "Student" means an individual who is:

1. admitted, enrolled, registered to take or is taking one or more courses, classes, or seminars, credit or noncredit, at any System college or university; or
2. between terms of a continuing course of study at the college or university, such as summer break between spring and fall academic terms; or
3. expelled or suspended from enrollment as a student at the college or university, during the pendency of any adjudication of the student disciplinary action.

**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.

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

**APPENDIX C**  
Minnesota State Colleges and Universities  
Board Policy 1.B.1.1  
Report/Complaint of Discrimination/Harassment Investigation and Resolution

**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 Nondiscrimination in Employment and Education Opportunity 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, 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 Office of the Chancellor.

**Subpart B. Decision maker.** 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 Office of the Chancellor.

**Subpart C. Retaliation.** Retaliation means any action against a complainant or other individual because the individual:

1. Participated in the investigation or resolution of a complaint under this procedure;
2. Opposed conduct the individual believes was in violation of Board policy 1B1.; or
3. Associates with another individual who is protected from discrimination under Policy 1B.1.

**Part 3. Consensual relationships.** Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity 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 Office of the Chancellor, 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 Office of the Chancellor. 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 Office of the Chancellor employees or Board of Trustees.** For reports/complaints that involve allegations against Office of the Chancellor 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 Office of the Chancellor, 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 Office of the Chancellor, 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 Office of the Chancellor, 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 Office of the Chancellor, 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.

**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 Office of the Chancellor, 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 Office of the Chancellor, 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 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. The written response to the complainant shall be provided within 60 days after a complaint is

made unless reasonable cause for delay exists.

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. Office of the Chancellor, college, or university action.** The Office of the Chancellor, 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 Office of the Chancellor, college or university. In accordance with state law, the Office of the Chancellor, 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 Chapter 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 Office of the Chancellor, 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 Office of the Chancellor 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 Office of the Chancellor 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 Office of the Chancellor, 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.

Job Group	Women					
	Total	Utilization		Availability		Number Under-utilized
		Number	%	Number	%	
Admin/Managers	16	8	50	6	37.8%	0
Faculty - Tech	64	28	43.75	30	46.3%	2
Faculty - CC	39	20	51.28	18	46.3%	0
Professional/Paraprofessionals	60	42	70	32	53.8%	0
Technicians	4	4	100	3	63.1%	0
Sec/Clerical	44	44	100	30	67.7%	0
Service/Maintenance	20	1	5	9	43.6%	8

Job Group	Disabilities					
	Total	Utilization		Availability		Number Under-utilized
		Number	%	Number	%	
Admin/Managers	16	1	6.25	2	11.31%	1
Faculty – Tech	64	1	1.56	7	10.88%	6
Faculty – CC	39	1	2.56	4	10.88%	3
Professional/Paraprofessionals	60	2	3.33	7	10.88%	5
Technicians	4	0	0	0	11.52%	0
Sec/Clerical	44	0	0	5	11.56%	5
Service/Maintenance	20	1	5	2	11.37%	1

Job Group	Minorities					
	Total	Utilization		Availability		Number Under-utilized
		Number	%	Number	%	
Admin/Managers	16	0	0	1	5.10%	1
Faculty – Tech	64	0	0	9	13.3%	9
Faculty – CC	39	1	2.56	5	13.3%	4
Professional/Paraprofessionals	60	2	3.33	5	8.00%	3
Technicians	4	0	0	0	6.80%	0
Sec/Clerical	44	1	2.27	4	8.20%	3

Service/Maintenance	20	0	0	3	14.30%	3
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US Census Data for Faculty and Administrative/Manager Data

Statewide Data for All Other Groups