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State of Minnesota

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# MINNESOTA STATE COLLEGE SOUTHEAST

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Affirmative Action Plan

**August 2016 – August 2018**

Minnesota State College Southeast  
P.O. Box 409  
1250 Homer Road  
Winona, MN 55987

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Red Wing, MN 55066

This document can be made available upon request in alternative formats by contacting Maryellen Kanz, Director of Human Resources and Affirmative Action Officer at [mkanz@southeastmn.edu](mailto:mkanz@southeastmn.edu) or 507-453-2673.

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**MINNESOTA STATE COLLEGE SOUTHEAST**  
**2016 – 2018 Affirmative Action Plan**

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**I. EXECUTIVE SUMMARY**

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

Table 1. Underutilization Analysis of Protected Groups

Job Categories	PROTECTED GROUPS			
	Women	Racial/Ethnic Minorities	Individuals With Disabilities	Veterans
Officials/Administrators	5	<b>1</b>	<b>0</b>	<b>0</b>
Faculty	60	0	<b>0</b>	<b>0</b>
Professionals/Non-Faculty Technicians/Paraprofessionals	<b>25</b>	0	<b>1</b>	<b>0</b>
Office/Clerical	<b>12</b>	0	1	0

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

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

\_\_\_\_\_  
Affirmative Action Officer or Designee

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Human Resources Director or Designee

\_\_\_\_\_  
(date)

\_\_\_\_\_  
President

\_\_\_\_\_  
(date)

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## II. STATEMENT OF COMMITMENT

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This statement reaffirms that Minnesota State College Southeast is committed to Minnesota's statewide affirmative action efforts in providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.
- This college is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This college will continue to actively promote a program of affirmative action, wherever minorities, women, individuals with disabilities, and veterans 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, the college will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is Minnesota State College Southeast 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.

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President

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(date)

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

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**A. College President**  
**Dorothy Duran, President**

**Responsibilities:**

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

**Duties:**

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the Minnesota State College Southeast Affirmative Action Plan in his or her position description;
- Take action, if needed, on complaints of discrimination and harassment;
- Ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis;
- Make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
- Actively promote equal opportunity employment; and
- Require all college directors, managers, and supervisors include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

**Accountability:**

The President is accountable directly to Chancellor, Steven Rosenstone, and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

**B. Affirmative Action Officer or Designee**  
**Maryellen Kanz**

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#### **Responsibilities:**

The Affirmative Action Officer or designee is responsible for implementation of the college's affirmative action and equal opportunity program, and oversight of the college's compliance with equal opportunity and affirmative action laws.

#### **Duties:**

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

- Prepare and oversee the Affirmative Action Plan, including development and setting of college-wide goals;
- Monitor compliance and fulfill all affirmative action reporting requirements;
- Inform the college's President of progress in affirmative action and equal opportunity and report potential concerns;
- Review the Affirmative Action Plan at least annually and provide updates as appropriate;
- Provide a college-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
- Identify opportunities for infusing affirmative action and equal opportunity into the college's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of the laws;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement; and
- Serve as the college liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

#### **Accountability:**

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

#### **C. Americans with Disabilities Act Coordinator or Designee**

Steve Zmyewski, Director of Learning Resources

##### **Responsibilities:**

The Americans with Disabilities Act Coordinator or designee is responsible for the oversight of the college's compliance with the Americans with Disabilities Act Title I – Employment and Title II – Public Services, in accordance with the Americans with Disabilities Act - as amended, the Minnesota Human Rights Act, and Executive Order 96-09.

##### **Duties:**

The duties of the Americans with Disabilities Act Coordinator shall include, but not limited to the following:

- Provide guidance, coordination, and direction to college management with regard to the Americans with Disabilities Act in the development and implementation of the college's policy, procedures, practices, and programs to ensure they are accessible and nondiscriminatory;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention of individuals with disabilities, provisions of reasonable accommodations for employees and applicants, and other opportunities for improvement; and
- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the college's services, and report reasonable accommodations annually to Minnesota Management and Budget.

##### **Accountability:**

The Americans with Disabilities Act Coordinator reports directly to Vice President Nate Emerson.

#### **D. Human Resources Director or Designee**

Maryellen Kanz, Chief Human Resources Officer

##### **Responsibilities:**

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove barriers to equal employment opportunity with the college.



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#### **Duties:**

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

- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;
- Initiate and report on specific program objectives contained in the Affirmative Action Plan;
- Ensure pre-hire review process is implemented and receives support from directors, managers, and supervisors;
- Include personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in position descriptions and annual objectives;
- Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors of existing disparities;
- Make available to the Americans with Disabilities Act Coordinator or designee all necessary records and data necessary to perform duties related to equal opportunity and affirmative action.

#### **Accountability:**

The Human Resources Director is directly accountable to the President.

## **E. Directors, Managers, and Supervisors**

#### **Responsibilities:**

Directors, Managers, and Supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and

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compliance with the college's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

#### **Duties:**

The duties of directors, managers, and supervisors include, but are not limited to the following:

- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
- Communicate the college's affirmative action policy to assigned staff;
- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied in this plan;
- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives;
- Provide a positive and inclusive work environment; and
- Refer complaints of discrimination and harassment to the appropriate parties.

#### **Accountability:**

Directors, managers, and supervisors are accountable directly to their designated supervisor and indirectly to the college President.

## **F. All Employees**

#### **Responsibilities:**

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

#### **Duties:**

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

- Exhibit an attitude of respect, courtesy, and cooperation towards fellow employees and the public; and

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

#### **Accountability:**

Employees are accountable to their designated supervisor and indirectly to the college President.

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## **IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN**

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

### **A. Internal Methods of Communication**

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the college's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
- The college's Affirmative Action Plan is available to all employees on the college's internal website at [www.southeastmn.edu/faculty\\_staff/jobs.aspx](http://www.southeastmn.edu/faculty_staff/jobs.aspx) or in print copy to anyone who requests it. As requested, the college will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

### **B. External Methods of Communication**

- The college's Affirmative Action Plan is available on the college's external website at [www.southeastmn.edu/faculty\\_staff/jobs.aspx](http://www.southeastmn.edu/faculty_staff/jobs.aspx) or in print copy to anyone who requests it. As requested, the college will make the plan available in alternative formats.
- The college's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer and educator."
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the

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public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

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## V. MnSCU'S EQUAL OPPORTUNITY AND NONDISCRIMINATION IN EMPLOYMENT AND EDUCATION POLICY

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### 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

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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 Board Policy 4.10, Nepotism.

**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

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

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

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

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

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

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

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

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

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**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.

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## VI. MnSCU'S REPORT/COMPLAINT OF DISCRIMINATION/HARASSMENT INVESTIGATION AND RESOLUTION PROCEDURE

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### 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.

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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 decision maker for complaints under this procedure, administrators must complete decision maker training provided by the system office.

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

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

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



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- 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.

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**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.

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**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;

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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;

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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. Decisionmaker. 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.

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**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.

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**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.

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## VII. MNSCU'S REASONABLE ACCOMMODATIONS IN EMPLOYMENT POLICY

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**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.

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- A job function may be considered essential for any of several reasons, including but not limited to the following:
  - The function may be essential because the reason the position exists is to perform that function;
  - 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
  - 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.
  
- Evidence of whether a particular function is essential includes, but is not limited to:
  - The employer's judgment as to which functions are essential;
  - Written job descriptions;
  - The amount of time spent on the job performing the function;
  - The consequences of not requiring the incumbent to perform the function;
  - The terms of a collective bargaining agreement;
  - The work experience of past incumbents in the job; and/or
  - 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.



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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:

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

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- The nature and net cost of the accommodation needed;
- 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;
- 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;
- 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
- 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:

- MnSCU policy statement and definitions;
- Assignment and identification of a staff member responsible for administering requests for reasonable accommodations;
- 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.

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## VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

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A copy of the college's weather and emergency evacuation plans can be found at: [southeastmn.edu/security/index.aspx?id=264](http://southeastmn.edu/security/index.aspx?id=264) Policies and Procedures, 704 - Emergency Evacuation. <http://www.southeastmn.edu/Policies700.aspx> . Hard copies of the *Emergency Procedures* are also posted in every classroom.

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 plans; this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee in each college will work to develop a plan and consult the appropriate building and safety personnel.

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

The Director of Learning Resources, Steve Zmyewski, is the ADA Coordinator and oversees compliance with the Act. Contact him at (507) 453-2410, Winona Campus Learning Resource Center.

**For students**, campus admission counselors serve as the initial contact persons. Contact Gale Lanning, Director of Admissions, 507-453-1443, Winona Campus, or Melissa Carrington-Irwin at 651-385-6309, Red Wing Campus.

**For employees**, contact Maryellen Kanz Director, Human Resources and Affirmative Action Officer 507-453-2673.

### Evacuation Options:

Individuals with disabilities have three 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;

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

### **Evacuation Procedures for Individuals with Mobility Disabilities, Hearing Disabilities, and 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 emergency responders how many individuals need assistance to safely evacuate.
- Mobility disabilities (individuals who do not use wheelchairs): Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- Hearing disabilities: The College’s buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- Visual disabilities: The College’s buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

### **Severe Weather Evacuation Options:**

Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options based on their location in their building:

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- 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.

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## **IX. GOALS AND TIMETABLES**

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

Table 2. Underutilization Analysis and Hiring Goals for 2016-2018

Job Categories	UNDERUTILIZATION – # OF INDIVIDUALS				HIRING GOALS FOR 2016-2018			
	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Veterans	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Veterans
Officials/Administrators	0	1	1	0	1			1
Professionals	0	2	1	3		1	1	
Faculty	0	17	3	3		3	1	1
Office/Clerical	0	1	0	0				
Skilled Craft/Service Maintenance	3	1	1	1				
Technicians	0	0	0	1				

**Availability:**

The college determined the recruitment area to be statewide for all job categories. For deans and upper level administrators, the college also uses national availabilities and resources. In conducting its underutilization analysis, the college used the one factor analysis. The college determined it was best to use this type of analysis because the one-factor analysis had been used previously.

Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with “<10” in accordance with Minnesota Management and Budget’s guidance on data privacy.

**Women:** Going forward, this college will track the hiring and underutilization of women in accordance with the OFCCP regulations.

**Minorities:** Going forward, this college will track the hiring and underutilization of minorities in accordance with the OFCCP regulations.

**Individuals with Disabilities:** Going forward, this college will track the hiring and underutilization of individuals with disabilities in accordance with the OFCCP regulations.

**Veterans:**

Effective March of 2013, the Office of the Federal Contract Compliance Program (“OFCCP”) included veterans in affirmative action. Going forward, this college will track the hiring and underutilization of veterans in accordance with the OFCCP regulations.

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**X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES**

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In pursuing the college’s commitment to affirmative action, the college will take the following actions during 2016-2018:

**Objective #1: Continue with efforts to create an inclusive and welcoming climate for all faculty, staff and students.**

**Action Steps:**

- Provide supervisors and managers with training on affirmative action topics (i.e. Affirmative Action Plan, Diversity Plan, reporting requirements for complaints of harassment/discrimination, preventing complaints by developing a positive workforce and a safe work environment, etc.) and diversity topics (i.e. managing a diverse workforce, managing a diverse classroom, developing curriculum for a diverse classroom, etc.);

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- Provide supervisors and managers with training on bullying in the higher education workplace;
- Offer additional training on diversity topics with specific, concrete information for faculty and staff related to their jobs;
- Recognize faculty and staff who have gone above and beyond the call of duty to promote diversity throughout the college and communities.

**Objective #2:** Target the under-represented EEO groups in the hiring process to recruit and retain culturally diverse faculty and staff

#### Action Steps:

- Recruit in publications and websites that target under-represented groups;
- Search committee members will receive training on affirmative action and the impact of diversity in the college community;
- Request faculty and staff to assist in the recruitment of qualified candidates that are members of protected groups.

**Objective #3: Provide programs and activities for faculty, staff and students to increase their awareness and appreciation of cultural diversity**

#### Action Steps:

- Maintain the relationship with WSU's diversity office for programming of diversity activities  
Support others as identified by the diversity planning sessions

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## XI. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

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

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

Any time the college cannot justify a hire, the college takes a missed opportunity. Minnesota State College Southeast leadership will be asked to authorize the missed opportunity. The college will report the number of affirmative and non-affirmative hires



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as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

When candidates are offered interviews, employees scheduling interviews will describe the interview format to the candidate and provide an invitation to request a reasonable accommodation for individuals with disabilities to allow the candidate equal opportunity to participate in the interview process. For example, describe if interview questions are offered ahead of time or what technology may be used during the interview process. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the interview.

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

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

The Affirmative Action Officer, in conjunction with the college human resources office, shall be responsible for reviewing all pending layoffs to determine their effect on the college's affirmative action goals and timetables.

If it is determined that there is an adverse impact on protected groups, the college will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. The college will determine if other alternatives are available to minimize the impact on protected groups.

#### **C. Other Methods of Program Evaluation**

Our college submits the following compliance reports to Minnesota Management and Budget as part of our efforts to evaluate our affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report; and
- Annual Internal Complaint Report.

Our college also evaluates our Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category;
- Analyzes compensation program to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested; and

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- Discusses progress with college leadership on a periodic basis and makes recommendations for improvement.

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## XII. RECRUITMENT PLAN

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The objective of this recruitment plan is to ensure our college recruitment programs are publicly marketed, attract, and obtain qualified applicants, enhance the image of state employment, and to assist in meeting college affirmative action goals to achieve a diverse workforce.

Recruitment costs incurred during the 2014-2016 plan year total \$26,368.43.

Below are various recruitment methods or strategies utilized by the college during the past year.

### A. Advertising Sources

Minnesota State College Southeast advertised job openings on the MnSCU and State Career Site, the College website, HERC, and MN Diversity.com. From these websites the ads are then picked up on over 117 other websites, including Monster, HigherEd, and Career Builder.

### B. Recruitment for Individuals with Disabilities

The college is committed to considering persons with disabilities who can perform the essential functions of the job with or without reasonable accommodations. Additional recruiting resources through Minnesota Diversity have been identified by the Diversity and Equity staff at Minnesota State Colleges & Universities. This collaboration provides the opportunity for vacancies to be posted where they are more broadly visible to persons with disabilities. It is the college's intent to fully comply with the Americans with Disabilities Act governing employment of individuals with disabilities. Recruitment materials will be made available in alternate formats upon request. All meeting locations are accessible.

### C. Internships

Internship opportunities are available at the college. Interns from the college's Marketing and Sales program, as well as, interns from St. Mary's University and Winona State University are provided opportunities at the college. The college also works with the Department of Employment and Economic Development with a work program to provide opportunities to unemployed workers to obtain or strengthen specific skills.

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

Minnesota State College Southeast supports the employment of individuals with disabilities and will review vacant positions to determine if there are job tasks that might be performed by a supported employment worker. In the event the agency finds supported worker opportunities we will recruit and hire for these positions.

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### **XIII. RETENTION PLAN**

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Minnesota State College Southeast is committed to not just the recruitment of women, minorities, individuals with disabilities, and veterans, but also to the retention of these protected groups.

**A. Individual Responsible for Minnesota State College Southeast Retention Program/Activities**

Maryellen Kanz, Director of Human Resources and Affirmative Action Officer, 507-453-2673, [mkanz@southeastmn.edu](mailto:mkanz@southeastmn.edu)

**B. Separation and Retention Analysis by Protected Groups**

Minnesota State College Southeast strives to maintain an environment that promotes retention of a diverse workforce. Administrators and supervisors are responsible for the retention of their employees. Retention is monitored by the Chief Human Resources/Affirmative Action Officer.

See the separation analysis worksheet attached.

**C. Methods of Retention of Protected Groups**

1. Performance management plays a large part in the retention of all employees. It is important for employees to understand college and supervisor expectations and receive continual and constructive feedback on their work. The college continues to strengthen the performance management system. Supervisors and managers will identify goals and objectives annually for support staff personal growth and professional development. Deans work with faculty through a process for performance appraisal and professional development.
2. Diversity activities are provided throughout the year in various venues to employees and students to enhance cultural awareness. These activities are done in collaboration with activities that occur in the college classrooms, programming with Winona State University, and support of cultural celebrations such as Cinco de Mayo and the Chinese New Year.
3. Orientation is critical for employee success. New employees receive orientation upon their hire with the college. This provides them a better understanding of college procedures and identifies individuals they need to contact for specific services or information. The on-going success of a new employee also depends upon departmental orientation and mentoring.

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4. A workplace promoting a positive work environment is also important in retaining employees. Administrators and supervisors address employee concerns proactively to help mitigate concerns that may cause larger issues in the future due to miscommunication or misunderstanding.
5. Promotional opportunities are not always available for staff members to pursue. To address this, a number of administrators and supervisors will look for college-wide, system-wide or community opportunities for staff to participate to gain additional skills. It is anticipated that these activities will also prepare staff for next steps in their careers when they available with the college.

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**APPENDICES**

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**A. Complaint of Harassment/Discrimination Form**

**COMPLAINT OF HARASSMENT/DISCRIMINATION FORM**

Minnesota State College Southeast  
P.O. Box 409  
1250 Homer Road  
Winona, MN 55987

308 Pioneer Road  
Red Wing, MN 55066

1- 877-853- 8324

**PLEASE READ BEFORE COMPLETION OF FORM**

Any complaint of harassment/discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether harassment/discrimination has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer designee, the complainant, the respondent, and appropriate personnel.

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<b>Complainant (You)</b>		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ( )
College or University	Division	Manager

<b>Respondent (Individual Who Discriminated Against/Harassed You)</b>		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ( )
College or University	Division	Manager

<b>The Complaint</b>	
Basis of Complaint ("X" all that apply):	
<input type="checkbox"/> Race	<input type="checkbox"/> Disability
<input type="checkbox"/> Sex	<input type="checkbox"/> Marital Status
<input type="checkbox"/> Age	<input type="checkbox"/> National Origin
<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Gender Expression
<input type="checkbox"/> Creed	<input type="checkbox"/> Color
<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Status with Regard to Public Assistance
<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission	<input type="checkbox"/> Religion
Date most recent act of discrimination/harassment took place:	If you filed this complaint with another college or university, give the name of that college or university:
Describe how you believe that you have been discriminated/harassed against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.	

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<b>Information on Witnesses Who Can Support Your Case</b>		
Name	Work Address	Work Telephone
1.		(    )
2.		(    )
3.		(    )

Additional witnesses may be listed in “Additional Information” or on a separate sheet attached to this form.

This complaint is being filed on my honest belief that the State of Minnesota has discriminated against/harassed me. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.	
Complainant Signature	Date
Affirmative Action Officer Signature	Date

**B. Employee/Applicant Request for ADA Reasonable Accommodation Form**



**State of Minnesota – Minnesota State College Southeast  
 Employee/Applicant Request for ADA Reasonable Accommodation Form**

**Minnesota State College Southeast**

**Affirmative Action Plan 2016-2018**

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

Employee Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Work Location: \_\_\_\_\_

Data Privacy Statement: This information may be used by your system office, college, or university human resources representative, ADA Coordinator or designee, your system office, college, or university legal counsel, or any other individual who is authorized by your system office, college, or university 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 system office, college, or university may refuse to provide a reasonable accommodation.

**Questions to clarify accommodation requested.**

1. What specific accommodation are you requesting?
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.
  - a. If yes, please explain.

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

1. What, if any job function are you having difficulty performing?
2. What, if any employment benefit are you having difficulty accessing?

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**State of Minnesota – Minnesota State College Southeast**

**Reasonable Accommodation Request Form, Page 2**

3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?
  
4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

**Information Pertaining to Medical Documentation**

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA Coordinator/Designee in each college or university 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.

**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.**

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**C. Underutilization Analysis Worksheets**

**D. Separation Analysis worksheet by Protected Groups**