



Affirmative Action Plan

2008-2010

*A member of the Minnesota State Colleges and Universities System
An Affirmative Action/Equal Opportunity Employer/Educator*

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Statement of Commitment

Minnesota State College-Southeast Technical 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 State College-Southeast Technical 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 State College-Southeast Technical is committed to implementation of this affirmative action plan and fully supports the State of Minnesota's affirmative action efforts. Minnesota State College-Southeast Technical 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 under representation in the employment, retention and promotion of qualified persons with disabilities, persons of color, and women.

It is Minnesota State College-Southeast Technical's policy to actively pursue equal employment practices during all phases of the employment process. In that spirit, Minnesota State College-Southeast Technical 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 emphasis on those serving on selection committees; and by
- supporting affirmative measures to retain protected group employees.

James J. Johnson, President

July 31, 2008
Date

Responsibility for Implementation

President

As the primary administrator of Minnesota State College-Southeast Technical, the President is responsible for overseeing the college'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.

1. Responsibilities
 - a. Oversight of all affirmative action programs
 - b. Comply with all federal and state laws, and regulations relating to nondiscrimination
2. Duties
 - a. Designate an affirmative action officer (AAO) and include accountability for affirmative action in appropriate position description
 - b. Take action, as needed, on complaints of discrimination
 - c. Issue a statement affirming the college's commitment to affirmative action/equal employment opportunity, and to ensure that this statement is disseminated to all employees
 - d. Actively promote equal employment opportunity
 - e. Report annually to the Governor and the Legislature through the Office of Diversity and Equal Opportunity on the college's progress in affirmative action
3. Accountability

The president, James J. Johnson, 507-453-2721, is directly accountable to the Chancellor on all matters relating to equal opportunity and affirmative action at Minnesota State College-Southeast Technical.

Equal Opportunity/Affirmative Action Officer

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

1. Responsibilities
 - a. Development of the college's affirmative action program
 - b. Implementation and monitoring of the college's affirmative action program
 - c. Serve as the designated officer for discrimination complaints
2. Duties
 - a. Ensure the college is in compliance with Federal, State and system laws, regulations and policies pertaining to equal opportunity/affirmative action
 - b. Develop, monitor, implement and evaluate the college's equal opportunity/affirmative action programs and plans

- c. Provide recommendations to appropriate members of the college community regarding equal opportunity/affirmative action
- d. Prepare internal and external institutional reports on equal opportunity/affirmative action efforts and accomplishments
- e. Coordinate equal opportunity/affirmative action training and education programs along with dissemination of the college's affirmative action policy
- f. Review, investigate, and process complaints of discrimination

3. Accountability

The Equal Opportunity/Affirmative Action Officer, Deanna Voth, 651-385-6314, is directly accountable to the President for the overall implementation and administration of Minnesota State College-Southeast Technical's equal opportunity and affirmative action programs.

Administrators/Supervisors

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

1. Responsibilities

- a. Implementing affirmative action procedures in their areas of responsibility
- b. Ensure equal treatment of all employees in their areas of responsibility

2. Duties

- a. Assist in identifying and resolving problems and eliminating barriers that inhibit equal employment opportunity
- b. Assist in achieving hiring goals
- c. Ensure that all employees are evaluated, recognized, and developed on a fair and equitable basis
- d. Provide a positive environment in the workplace

3. Accountability

Accountability for Administrators/Supervisors is reflected in the college's organizational chart (Appendix A).

Director of Human Resources

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. Responsibilities

- a. Administer the classified and unclassified labor contracts, rules, policies and procedures for the college
- b. Manage the position classification system, performance management system and selection process for all classified and unclassified hires
- c. Manage the employee benefit program for classified and unclassified employees
- d. Assist with staff development/training programs

2. Duties

- a. Advise supervisors and administrators on the administration of the classified and unclassified labor contracts, rules, policies and procedures
- b. Provide/recommend training
- c. Review classification levels for new positions and changes to existing positions
- d. Provide documentation and assist administrators and supervisors in the performance management process
- e. Manage the college's classified hiring processes in accordance with the state's merit system principles, affirmative action goals and principles, adhere to labor contract rights and privileges related to hiring
- f. Administer the recruitment and hiring for unclassified vacancies
- g. Manage the recruitment of protected class persons for employment
- h. Design and coordinate the orientation of new employees and the exit process of all departing employees

3. Accountability

The Director of Human Resources, Deanna Voth, 651-385-6314, is accountable to the President.

Dissemination of Policy

The following measures will be used to inform Minnesota State College-Southeast Technical's educational community and the public of Minnesota State College-Southeast Technical's commitment to Affirmative Action and Equal Opportunity in all employment and educational policies, procedures, programs, services, and opportunities:

Internal Dissemination

1. The college's 2008-2010 Affirmative Action Plan, in its entirety, will be available from the Human Resources Office. Summaries will be posted on employee bulletin boards;
2. All employees will have available to them the college's commitment to affirmative action upon employment;
3. Provide training to managers and supervisors on affirmative action and equal opportunity issues;
4. All recruitment brochures, job announcements and vacancy notices shall identify Minnesota State College-Southeast Technical as "An affirmative action/equal opportunity educator/employer"; and
5. Make available copies of the Affirmative Action Plan to all employees and students upon request.

External Dissemination

1. All job announcements, vacancy notices, website home page, letterhead and other education or employment-related materials shall identify Minnesota State College-Southeast Technical as an affirmative action/equal opportunity educator/employer;
2. Aggressively publicize via a variety of protected group and non-protected group media sources, Minnesota State College-Southeast Technical's commitment to the recruitment, employment, promotion and retention of individuals with disabilities, women and minorities;
3. Make available copies of the Affirmative Action Plan to parties requesting; and
4. Information on Minnesota State College-Southeast Technical's Affirmative Action Program and plan shall be made available on the college's website.

Nondiscrimination Complaint Procedure

The Minnesota State College and Universities Board of Trustees' 1B.1 Nondiscrimination in Employment and Education Opportunity Policy states: "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, or membership or activity in a local commission as defined by law." The Minnesota State Colleges and Universities Board of Trustees' 1B.1.1 Report/Complaint of Discrimination/Harassment Procedure is available to all members of Minnesota State College-Southeast Technical at the link above and on the Minnesota State College-Southeast Technical web site.

In addition to the complaint procedures, some employees may have grievance procedures in accordance with their respective collective bargaining agreements and human resource plans. Complaints/grievances will be processed in accordance with appropriate policies, rules, and collective bargaining agreements/personnel plans.

The designated officer for discrimination/harassment complaints is Deanna Voth, Director of Human Resources, 651-385-6314.

1B.1 Nondiscrimination in Employment and Education Opportunity

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.

Procedure 1B.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 1B.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.

Goals and Timetables

Goals and timetables have been established as an integral part of the affirmative action plan to provide the college with a target to aim for. The purpose behind the goals and timetables is to eventually eliminate underutilization or disparity of protected group members in the college's workforce. To understand the concept of goals and timetables and the State's use of them, it is important to first understand the terms.

1. Ideal Goals (Availability): The ideal goals are derived from statistical analyses of census data and labor force characteristics. They are expressed as a percentage of the total number of employees in a goal unit for each job group.
2. Goal Units: These are categories of employment in an organization for which protected group participation will be measured and for which goals will be set if an underutilization exists.
3. Protected Groups: These are defined in Minnesota Statutes 43A.02, subd. 33 as females, persons with disabilities, and minorities (Black or African American, Hispanic or Latino, American Indian or Alaskan Native, Asian, or Native Hawaiian or Other Pacific Islander).

Underutilization: This is the employment of fewer qualified protected group members than would reasonably be expected from their labor force participation in the labor market area. This is also sometimes referred to as a "disparity."

5. Timetable: The chart below identifies the hiring goals, based on the college's disparities in individual goal units, for the time period 7/31/2008 through 7/31/2010. The college is anticipating vacancies in five of the seven goal units due to retirement, expansion of programming and turnover of employees. MSC-ST is committed to recruiting and hiring individuals with disabilities who can perform the essential function of the job with or without reasonable accommodation.

| GOAL UNITS | PROTECTED GROUP GOALS | | |
|--------------------------|-----------------------|------------|---------------------------|
| | FEMALES | MINORITIES | PERSONS WITH DISABILITIES |
| Officials/Administrators | | | 1 |
| Postsecondary Teachers | | | 1 |
| Professionals | 1 | | |
| Technicians | | | |
| Clerical | | 1 | |
| Service/Maintenance | | | 1 |
| Skilled Craft | | | |

Program Objectives

Objective 1: Through the recruitment process target the under-represented groups, including American Indian heritage group.

Action Steps:

- Continue to explore alternative recruitment methods that target underrepresented classes
- Partner with sister colleges and universities to explore opportunities to share teaching staff
- Explore internship opportunities in the college for underrepresented groups
- Target recruiting in on-line native publications for positions

Assigned To: Affirmative Action Officer/Director of Human Resources

Target Date: On-going

Objective 2: Provide multicultural/diversity programming at faculty and/or staff inservice/workshops to heighten awareness and appreciation of cultural diversity.

Action Steps:

- Rollout on-going sexual harassment prevention training
- Continue to identify and address faculty needs in supporting diversity in the classroom (i.e. intercultural differences in communications, relationships and learning styles)
- Provide development opportunities for academic and student support areas, including admissions counselors, to increase cultural competency skills
- Provide anti-racism and anti-discrimination training to faculty and staff
- Utilize the college's Diversity Trainer & Investigator in delivery of programming and curriculum

Assigned to: Human Resources Director, Diversity Trainer, Director of Learning Resources, College Vice Presidents

Target Date: Fall and spring workshops

Objective 3: Increase the number of activities that support increased awareness of multiculturalism and assists in identifying barriers to employment with the college

Action Steps:

- Establish and promote campus diversity committees (on-going)
- Incorporate diversity goals into the administrator evaluations (FY2009)
- Continue to expand the orientation process for new employees (on-going)
- Promote community-wide diversity events (on-going)

Responsibility: President, College Vice Presidents, Director of Human Resources, Diversity Trainer

Target Date: Note timelines in the action steps

The Regional Investigator and Diversity Trainer for Minnesota State College-Southeast Technical in collaboration with Riverland Community College, Rochester Community & Technical College and South Central College will continue to assist in scheduling and delivery of training opportunities for faculty, staff and students. The trainer/investigator is also available to assist in assembling electronic training modules for use in orientation and updating of faculty and staff.

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review

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

1. The college administration determines that a vacancy exists and approves the search process.
2. A search/interview committee is formed to assist in filling permanent vacancies. To the extent possible, this committee is diverse and represents protected classes. The list of members is submitted to the affirmative action officer for approval. The search committee partners with the college administration and in particular the Director of Human Resources/Affirmative Action Officer in filling a vacancy.
3. The Director of Human Resources/Affirmative Action Officer may meet with the search/interview committee to review the search procedures. The Director of Human Resources/Affirmative Action Officer plays a key role in ensuring that equal employment opportunities and affirmative action mandates are met.
4. The search committee chair, in cooperation with the appropriate supervisor and human resource's direction, develops a plan of recruitment sources and activities, drafts of advertisements, a vacancy notice, interview questions, evaluation forms and forwards to the Director of Human Resources/Affirmative Action Officer for approval. At this point, all parties agree on tasks that must be completed, responsibility for each task, and a timeline for completion.
5. When applications are received for non-list hires, the human resources office sends each applicant a supplemental data form to obtain equal opportunity/affirmative action data. The Director of Human Resources/Affirmative Action Officer then examines the initial applicant pool for its composition of women, minorities, and disabled candidates. When this review is completed, the Director of Human Resources/Affirmative Action Officer approves or disapproves the pool.
6. After the initial screening, the list of candidates to be interviewed is submitted to the Director of Human Resources/Affirmative Action Officer for approval prior to the start of any interviews. When the interviews have been completed, the search committee submits a list of finalists to the President or designee for final hiring approval.

7. When underutilization of a protected group exists, recruitment strategies are reviewed so the potential of qualified, protected class candidates are recruited. If a protected group member is not selected, no job offer is made to any other candidate until approval is received. The supervisor or search committee chairperson has the responsibility for writing a rationale for each candidate not moving forward through the selection process. Rationale is submitted to the Director of Human Resources/Affirmative Action Officer.
8. The Director of Human Resources/Affirmative Action Officer reviews the rationale and either approves or denies the justification. If the rationale is denied, the Director of Human Resources/Affirmative Action Officer notifies the President or designee of that determination and indicates the action recommended. The President or designee will determine final action.
9. At any stage of the process, the Director of Human Resources/Affirmative Action Officer may request the President or designee extend the certification list (list hires) and/or close the search (non-list hires) if the pool of underrepresented class candidates is not satisfactory.

Pre-Review of Lay-Off Determinations

Minnesota State College-Southeast Technical will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans. Proposed lay-off decisions will be reviewed by the Equal Opportunity/Affirmative Action Officer to evaluate their effect on Minnesota State College-Southeast Technical's affirmative action goals and timetables.

Methods of Auditing, Evaluating, and Reporting Program Success

All record keeping regarding the college hiring processes are maintained in the human resources office. This includes maintaining recruitment materials and activities, procedures used in processing and screening applications, approving applicant pools, scheduling interviews, and recommending candidates for hire.

The Director of Human Resources/Affirmative Action Officer monitors the progress of the college's affirmative action program on an on-going basis. Progress reports are submitted to the State of Minnesota as required or requested.

Weather Emergencies & Evacuation

In the case of a fire or building evacuation, persons with disabilities needing assistance are instructed to move to the nearest exit. Rescue personnel will be notified by building maintenance personnel of the location of any persons with disabilities to assist in the evacuation as necessary. Employees with disabilities will be consulted to determine evacuation procedures upon hire or upon the onset of the disability.

In accordance with MnSCU Policy 4.4 (Appendix E), the following procedure is followed 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. This procedure will also describe working conditions and the compensation status of employees during the time the college is closed.

CLOSING CAMPUSES, DELAYING OPENING, CANCELING CLASSES

Definitions

Closing the college: All operations are shut down/closed except those deemed essential to the protection of life and property. The result is the cancellation of classes; and, student, faculty and staff activities and meetings. All general offices are closed. This policy includes classes/activities offered by other entities using college facilities, i.e. Winona State University courses on campus and/or ITV courses generated from an off-campus source.

Delayed Opening: All operations are kept closed for a designated period of time except those deemed essential to the protection of life and property.

Cancellation of Classes and/or Activities: Specific classes and/or activities are cancelled in lieu of officially closing the entire College. One to all classes/activities may be cancelled depending on the situation.

Essential Employees: Essential employees are those filling positions necessary for safe operations and services during closure or delayed opening. The essential designation is assigned to the position, not a particular employee, in that if an employee is substituting for someone in an essential position, they would be considered an essential employee, even if their regular position is not essential.

The following positions are designated as essential during weather or emergency conditions:

All campus custodial and maintenance personnel

Procedure and Notification

Closing or Delayed Opening

The decision to close or delay opening of the College due to weather or other emergency is made by the President or his/her designee(s). For the Red Wing Campus, this is the Director of Human Resources and for Winona Campuses, the Dean of Academics. In times of other emergency conditions, assessment of conditions shall be the responsibility of the President and the vice presidents. The assessment will be based on contact with personnel at local and/or state law enforcement/emergency offices.

Determination of closing or delayed opening shall be made by 6 a.m. when possible. Decisions to cancel classes scheduled for 3:00 p.m. and after will be made no later than 1:00 p.m.

Appropriate notification will be made to the MnSCU System Office when the decision is made. Additionally, the President or his/her designee(s) will notify essential personnel of the decision. An announcement of the closing/delayed opening will be available on the College's website, via the receptionist and/or voice mail.

When a decision is made during normal working hours, the President and/or his designees shall inform all employees. Students will be notified through appropriate student support services and academic offices by any or all of the following methods: general P.A. announcements, video monitors, website, instructional management system, and staff walk-around's. Employees and students not on campus will be notified through announcements on radio:

Winona Campus: KAGE Country – 1380 AM (Winona)
KAGE - 95.3 FM (Winona)
KWNO - 1230 AM (Winona)
HOME – 101 FM (Winona)
KROC – 106.9 FM (Rochester)
WIZM – 93.3 FM (La Crosse)
WLXR -1500 AM (La Crosse)
KMFX – 1190 AM (Wabasha)
Red Wing Campus: KCUE - 1250 AM (Red Wing)
KWNG – 105.9 FM (Red Wing)
WCCO – 830 AM (Twin Cities)

Management Responsibility

The President, Dean of Academics and the Director of Human Resources will be solely responsible for contacting news media regarding closing information. If the disruption of services is to be of a long duration, the print media in Red Wing, The Republican Eagle, and in Winona, The Winona Daily News, will be contacted when appropriate.

Cancellation of Classes and/or Activities:

The decision to cancel one, several or all classes (on and off campus) in the absence of closing the entire College, will be made by the President, Dean of Academics and Director of Human Resources. Special attention to weather conditions will be given to night classes, many of whose students must travel considerable distances.

Reasonable Accommodation

ADA Coordinator for employment: Deanna Voth, Director of Human Resources

Reasonable accommodations will be provided as appropriate in accordance with Minnesota State College-Southeast Technical's 1B.0.1 Reasonable Accommodations in Employment procedure. Minnesota State College-Southeast Technical's procedures will also be in accordance with pertinent state and federal laws.

Procedures 1B.0.1 Reasonable Accommodations in Employment

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 individuals with disabilities. The system office, college or university will not discriminate in providing reasonable accommodations to qualified individuals with a disability in regard to job application procedures, hiring, advancement, discharge, employee compensation, job training or other terms, conditions, and privileges of employment.

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

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

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

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

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

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

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

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

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

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

Part 6. Providing Reasonable Accommodations.

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

may include the appropriate union representative as provided by the applicable collective bargaining agreement.

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

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

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

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

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

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

Subpart F. Request Process. The system office, colleges and universities are responsible for establishing a process for individuals with disabilities to make requests

for reasonable accommodations in compliance with the Americans with Disabilities Act or the Minnesota Human Rights Act. Such process should include the following:

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

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

Recruitment Plans

Minnesota State College-Southeast Technical is a technical college in southeastern Minnesota with campuses in Red Wing and Winona. Continued growth in academic areas and in services to students have provided the college with opportunities to recruit protected-group candidates. Credentialing is a required step in hiring faculty into programs. In particular faculty candidates in technical programs must have recent work experience in their area of expertise. This requirement could present a barrier to applicants in protected groups. It may also encourage the applicants to enhance their skills for future employment in these areas.

Minnesota State College-Southeast Technical uses various recruiting strategies depending upon the type of vacancy. Beyond the required contract posting requirements, additional recruiting is done through print media, various job websites including Minnesota Diversity, direct mail, Minnesota Job Bank, word of mouth and the college website. In particular an increase of more qualified candidates have been reached for positions in the nursing program by contacting universities with degreed programs specifically to these program areas. An increase in minority populations in the nursing applicant pools has not been realized as yet.

Forty-three vacancies occurred during 2008-2010 affirmative action plan. Of these forty-three vacancies, fifteen were protected group hires and met three of five goals set.

Projected Hiring Opportunities and Strategies

Minnesota State College-Southeast Technical anticipates, during the 2008-2010 affirmative action plan, a minimum of two vacancies in the official/administrators unit, four in the faculty unit, three in the professional unit, four in the clerical goal unit, three in the service/maintenance goal unit. These vacancies occur in goal units where disparities exist in protected groups.

Recruitment strategies include targeting underrepresented populations through:

- Continued use of print as appropriate for the vacancy
- Posting more broadly with internet job sites (i.e. MnSCU Employment Opportunities, Minnesota Job Bank, Nation Jobs.com, Minnesota Diversity, native publication sites)
- Direct mailings as appropriate for the position
- Networking

Internships

MSC-ST utilizes interns from the college's Marketing and Sales program in the Enrollment Services Office of the college. Additional internships are being considered with Winona State University to provide minority students with an employment opportunity with Minnesota State College-Southeast Technical.

Recruitment Efforts for Persons 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. Filling of vacancies with supported workers is considered as positions become vacant. Additional resources will be identified in recruiting persons with disabilities by working with the ADA Coordinator at the Department of Employee Relations and with staff at the OOC Diversity and Multiculturalism Office.

Accommodations

Recruitment materials will be made available in alternate formats upon request. All meeting locations are accessible.

Retention Plan

Responsibility for Retention

All managers and supervisors at Minnesota State College-Southeast Technical are responsible for retention of employees. Deanna Voth, Human Resources Director/Affirmative Action Officer, monitors and directs the retention activity in the college.

Separation Analysis

Twenty-nine separations occurred during the 2006-2008 reporting period at Minnesota State College-Southeast Technical. The separations included four retirements and four transfers to other MnSCU institutions or state agencies. Even though a number of the separations were protected group members, the impact on disparity within the individual goal units was negligible due to the hires made during FY2007 and 2008. The college expects to realize movement towards less disparity once the new hires reach a non-probationary status. The college continues to explore opportunities to review recruitment strategies that address the disparities identified.

It is important for the college to understand the reasons for the voluntary separations. Eleven employees left the college due to their inability to advance because of existing college structure or lack of work, changes in their personal commitments, or dissatisfaction with department operations.

Retention of Protected Group Members

Following are strategies to assist in the retention of protected group members.

- 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 feedback on their work. The college continues to strengthen the performance management system. Supervisors are encouraged to work with employees in setting goals and monitoring those goals.
- Supervisors and managers will identify goals and objectives annually for support staff personal growth and professional development. Faculty are included in a process to compile professional development plans for maintaining their credentials.
- Diversity activities are considered in the planning process for college workshops or as needed for employee groups.

- Continued development of training modules (i.e. sexual harassment/sexual violence; college safety; orientation, diversity) in an on-line or electronic format is critical in providing resources to employees

APPENDIX

**MINNESOTA STATE COLLEGE-SOUTHEAST TECHNICAL
COMPLAINT OF DISCRIMINATION**

Please Read Before Completing Form

Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. 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, appropriate supervisory personnel, MnSCU's Associate Vice Chancellor for Equal Opportunity and Diversity, and the Commissioner of Employee Relations.

| Complainant (You) | | |
|--|--------------------------------------|------------------|
| Name | | Job Title |
| Work Address | City, State, Zip Code | Telephone () |
| Agency MnSCU | Division MN State College-SE Tech | Supervisor |
| Respondent (Person Who Discriminated Against You) | | |
| Name | | Job Title |
| Work Address | City, State, Zip Code | Telephone () |
| Agency | Division | Supervisor |

| The Complaint | |
|---|--|
| Basis of Complaint ("X" all that apply): | |
| <input type="checkbox"/> Race | <input type="checkbox"/> Color |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Creed |
| <input type="checkbox"/> Age | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Local Commission Activity or Membership |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Harassment |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Political Affiliation |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Status with Regard to Public Assistance |
| Date most recent act of discrimination took place: | If you filed this complaint with another agency, give the name of that agency: |
| Describe how you believe that you have been discriminated against (names, dates, places, etc.). | |

OVER

Additional information on your complaint. Use a separate sheet of paper if needed. Attach it to this form.

| Information on Witnesses Who Can Support Your Case | | |
|---|---------------------|-----------------------|
| 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.”

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’s Signature

Date

Investigator’s Signature

Date