Affirmative Action Plan
2012-2014

Red Wing Campus
308 Pioneer Road
Red Wing, MN 55066

Winona Campus
1250 Homer Road
Winona, MN 55987

MINNESOTA STATE COLLEGE-SOUTHEAST TECHNICAL IS AN EQUAL OPPORTUNITY EDUCATOR AND EMPLOYER

This document can be made available upon request in alternative formats such as large print, Braille, or an audiotape.
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Minnesota State College-Southeast Technical’s Organizational Chart
Discrimination/Harassment Complaint Form
Reasonable Accommodations Request Form
Minnesota State College-Southeast Technical’s Utilization Analysis
(omitted in published copy to prevent release of private data)
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:

- actively and aggressively recruiting protected group applicants;
- training supervisors on their affirmative action responsibilities;
- supporting affirmative measures to retain protected group employees.

Faculty and staff are encouraged to become familiar with the college’s affirmative action plan. I personally ask all employees to support the activities in fulfillment of the plan goals as we strive to maintain an employment environment free of discrimination.

James J. Johnson, President

[Signature]

Date: July 25, 2012
Executive Summary

Minnesota State College-Southeast Technical
Affirmative Action Plan 2012-2014

Review revealed underutilization of the following protected group(s) in the following goal units.

<table>
<thead>
<tr>
<th>GOAL UNITS</th>
<th>PROTECTED GROUPS</th>
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<tbody>
<tr>
<td></td>
<td>WOMEN</td>
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<tr>
<td>Administrators</td>
<td>x</td>
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<tr>
<td>Professional – Faculty, Liberal Arts</td>
<td>x</td>
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<tr>
<td>Professionals – Faculty, Technical</td>
<td>x</td>
</tr>
<tr>
<td>Professionals – Non Faculty</td>
<td>x</td>
</tr>
<tr>
<td>Technicians/Paraprofessionals</td>
<td>x</td>
</tr>
<tr>
<td>Office/Clerical</td>
<td>x</td>
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<tr>
<td>Skilled Craft/Service Maintenance</td>
<td>x</td>
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</tbody>
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Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of Minnesota State College-Southeast Technical’s commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency’s website and maintained in the Human Resources/Affirmative Action Office.

This affirmative action plan meets the applicable laws and rules governing affirmative action, and contains the goals and timetables as well as reasonable and sufficiently assertive methods for achieving them. This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure.

Affirmative Action Officer

Date

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

Date

This affirmative action plan meets the statutes and rules governing affirmative action, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently assertive to deal with the identified disparities.

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.

As primary administrator of the college’s equal opportunity/affirmative action programs, the President shall:

a. Designate an affirmative action officer (AAO) and include accountability for affirmative action in the 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. Provide the MnSCU Board of Trustees and the State of Minnesota a summary on the college’s progress in their affirmative action goals

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

To carry out this responsibility the EO/AA/CHRO shall:

a. Develop the college’s affirmative action plan
b. Serve as the designated officer for discrimination complaints
c. Ensure the college is in compliance with Federal, State and system laws, regulations and policies pertaining to equal opportunity/affirmative action
d. Develop, monitor, implement and evaluate the college’s equal opportunity/affirmative action programs and plans
e. Provide recommendations to appropriate members of the college community regarding equal opportunity/affirmative action
f. Prepare internal and external institutional reports on equal opportunity/affirmative action efforts and accomplishments
g. Coordinate equal opportunity/affirmative action training and education programs along with dissemination of the college’s affirmative action policy
h. Review, investigate, and process complaints of discrimination

The Equal Opportunity/Affirmative Action/Chief Human Resources 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 (Vice Presidents, Deans, Directors, and Supervisors)
Administrators/Supervisors are responsible for enforcing and implementing equal opportunity and affirmative action policies, procedures, and programs within their functional areas of responsibility. Administrators/Supervisors shall:

a. Assist in identifying and resolving problems, and eliminating barriers in their work units that inhibit equal employment opportunity
b. Support the affirmative action plan goals and objectives
c. Ensure that all employees are evaluated, recognized, and developed on a fair and equitable basis
d. Provide a positive environment in the workplace

Accountability for Administrators/Supervisors is reflected in the college’s organizational chart found in the Appendix.
Communication of Plan

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 2012-2014 Affirmative Action Plan, in its entirety, will be available from the Human Resources Office, posted on the college website at http://www.southeastmn.edu./faculty_staff/jobs.aspx, and will reside on the college’s intranet site.

2. All employees will have available to them the college’s commitment to affirmative action upon employment.

3. Provide training to managers, supervisors, and search committee members 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.”

5. Make available copies of the Affirmative Action Plan to all employees and students upon request.

External Dissemination


2. 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.

3. External job announcements are distributed to organizations representing women, minorities, persons with disabilities, and veterans.

4. The Affirmative Action Plan is available to parties requesting.
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 [http://www.mnscu.edu/board/policy/1b01.html](http://www.mnscu.edu/board/policy/1b01.html) 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, Chief Human Resources Officer, 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 is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment.

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 system office.

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

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

**Subpart C. Retaliation.** Retaliation 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 System office, college, or university.

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

Subpart C. Reports against a president. A report/complaint against a president of a college or university shall be filed with the System office. However, complaints against a president shall be processed by the college or university if the president's role in the alleged incident was limited to a decision on a recommendation made by another administrator, such as tenure, promotion or non-renewal, and the president had no other substantial involvement in the matter.

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

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

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

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

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

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

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

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

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

1. **Jurisdiction.** The designated officer shall determine whether the report/complaint is one which should be processed through another System office, college or university procedure available to the complainant; if appropriate the designated officer shall direct the complainant to that procedure as soon as possible.

2. **Conflicts.** The designated officer should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another designated officer shall be assigned.

3. **Information provided to complainant.** At the time the report/complaint is made, the designated officer shall:
   a. inform the complainant of the provisions of the Board Policy 1B.1 and this procedure;
   b. provide a copy of or Web address for Board Policy 1B.1 and this procedure to the complainant;
   c. determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement; and
   d. inform the complainant of the provisions of Board policy 1B.1 prohibiting retaliation.

4. **Complaint documentation.** The designated officer shall insure that the complaint is documented in writing. The designated officer may request, but not require the complainant to document the complaint in writing using the complaint form of the System office, college or university.

5. **Information provided to the respondent.** At the time initial contact is made with the respondent, the designated officer shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy. At the initial meeting with the respondent, the designated officer shall:
   a. provide a copy of or Web address for Board Policy 1B.1 and this procedure to the respondent;
   b. provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
c. explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
d. determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement; and
e. inform the respondent of the provisions of Board policy 1B.1 prohibiting retaliation.

6. **Investigatory process.** The designated officer shall:
a. conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
b. inform the witnesses and other involved individuals of the prohibition against retaliation;
c. create, gather and maintain investigative documentation as appropriate;
d. disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law; and
e. handle all data in accordance with applicable federal and state privacy laws.

7. **Interim Actions.**
   a.) **Employee reassignment or administrative leave.** Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
   b.) **Student summary suspension or other action.** Under appropriate circumstances, the president or designee may, in consultation with system legal counsel, summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

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

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

1. conduct or coordinate education/training;
2. facilitate voluntary meetings between the parties;
3. recommend separation of the parties, after consultation with appropriate System office, college or university personnel;

4. other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;

5. the system office, college or university may use alternative dispute resolution or mediation services as a method of resolving discrimination or harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint;

6. upon completion of the inquiry, the designated officer may dismiss or refer the complaint to others as appropriate.

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

1. Designated officer. The designated officer shall:
   a. prepare an investigation report and forward it to the decisionmaker for review and decision;
   b. take additional investigative measures as requested by the decisionmaker; and
   c. be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). In determining the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.

2. Decision maker. After receiving the investigation report prepared by the designated officer, the decisionmaker shall:
   a. determine whether additional steps should be taken prior to making the decision. Additional steps may include:
      i. a request that the designated officer conduct further investigative measures;
      ii. 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
      iii. 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. 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 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 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.


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

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

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

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

1B.3 Sexual Violence Policy

**Part 1. Policy statement.** Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Minnesota State Colleges and Universities. Minnesota State Colleges and Universities is committed to eliminating sexual violence in all forms and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. Acts of sexual violence may also constitute violations of criminal or civil law, or other Board Policies that may require separate proceedings. To further its commitment against sexual violence, Minnesota State Colleges and Universities provides reporting options, an investigative and disciplinary process, and prevention training or other related services as appropriate.

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

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

Allegations of discrimination or harassment are governed by Board Policy 1B.1.
Subpart B. College and university policies. Each Minnesota State Colleges and Universities college and university shall adopt a clear, understandable written policy on sexual violence that applies to its campus community, including, but not limited to, its students and employees. The policy content and implementation shall be consistent with the standards in this Policy and Procedure 1B.3.1.

Part 2. Definitions.

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

Subpart A. Sexual violence. Sexual violence includes a continuum of conduct that includes sexual assault, and non-forcible sex acts, as well as aiding acts of sexual violence.

Subpart B. Sexual assault. “Sexual assault” means an actual, attempted, or threatened sexual act with another person without that a person’s consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State Colleges and Universities student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as “date rape” or “acquaintance rape.” This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.

2. Involvement in any sexual act when the victim is unable to give consent.

3. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).

4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

Subpart C. Consent. Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Subpart D. Non-forcible sex acts. Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.
Subpart E. System property. “System property” means the facilities and land owned, leased, or under the primary control of Minnesota State Colleges and Universities, its Board of Trustees, system office, colleges and universities.

Subpart F. Employee. “Employee” means any individual employed by Minnesota State Colleges and Universities, its colleges and universities and system office, including student workers.

Subpart G. Student. 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; or

4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or

5. Are not college or university employees and are not enrolled in the institution but live in a college or university residence hall.
Goals and timetables have been established as an integral part of the affirmative action plan to provide the college a way to measure achievement and continuous improvement. Minnesota State College-Southeast Technical will continue to recruit women, minorities, and persons with a disability to further enhance the college’s workforce.

Limited vacancies are expected to occur over the next two years. Budget constraints combined with enrollments will determine whether new position requests or vacancies will be approved for hire during the lifetime of this plan.

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Program Objectives

Objective 1: Continue with efforts in creating an inclusive and welcoming climate for all faculty, staff and students

- Conduct the employee climate survey during the 2013 academic year, analyze results, and address priorities through action planning
- 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.).
- 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.

Assigned to: Chief Human Resources Officer/AAO, Administrators and Supervisors

Target Date: Ongoing

Objective 2: Develop and maintain positive community relationships with under-utilized populations to recruit and retain protected-group members

- Maintain relationships with various entities that support under-utilized populations such as Yellow Ribbon Committees, Diversity Foundation, Sister Cities Commission, Hispanic Outreach, Human Rights Commission, and Prairie Island Indian Community to build relationships and enhance diversity of student, faculty and staff populations

Assigned to: Vice President of Student Affairs, Director of Recruiting, Chief Human Resources Officer/AAO, Dean of Academics, Business Relations Directors

Target Date: Ongoing

Objective 3: Explore the international opportunities available to the college for faculty and student exchanges

- Identify program areas that provide sharing with Quzhou and Shandong Polytechnic University
- Prepare a plan for faculty exchanges

Assigned to: President’s Cabinet Members

Target Date: Spring 2014
Objective 4: Provide programs and activities for faculty, staff and students to increase their awareness and appreciation of cultural diversity

- Maintain the relationship with WSU’s diversity office for programming of diversity activities
- Support the Cinco de Mayo and the Chinese New Year celebrations and others as identified by the diversity planning sessions

Assigned to: Director of Admissions, Associate Dean of Academics, Chief Human Resources Officer/AAO

Target Date: Ongoing

Objective 5: Target the under-represented EEO groups in the hiring process to recruit and retain culturally diverse faculty and staff

- 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

Assigned to: Administrators and Supervisors, Human Resources Specialist, Chief Human Resources Officer/AAO

Target Date: On-going as vacancies occur

2010-2012 Activities

1. Provided the information on the system office diversity webinar offerings to faculty and staff
2. The resources of the Upper Midwest Higher Education Recruiting Consortium were used in recruitment efforts of diverse candidates
3. HR staff participated in HERC-sponsored webinars (i.e. Veterans…the New Diversity Candidate, Developing a Diversity Scorecard)
4. Brown-bag lunches offered to faculty, staff, and students (i.e. Mental Health, Bullying, Holocaust Remembrance)
5. Frida Kahlo Art Exhibit was sponsored on campus
6. Chinese New Year celebrations sponsored on campus
7. Bullying presentation at the faculty and staff workshop
8. Polarity Management training with administrators and supervisors to address alternative methods for problem solving in the workplace
9. Diversity offerings sponsored with Winona State University (i.e. Race Relations workshop, GLBT topics, world religion topics)
10. Celebrate Africa exhibit was made available on campus to faculty, staff and students after a staff member’s vacation
11. Chinese Culture course and Multicultural course invitations to faculty, staff and students for participation in their presentations (i.e. Mid-Autumn Festival, guest Chinese writer, Qigong, Tea Presentation, Holistic Health, American Indian/Inuit Indian presentation)
12. Hosted Quzhou, China delegation in Fall, 2011 to discuss expanding the exchange program to faculty or student exchanges
13. Held discussions with representatives from China’s Shandong Polytechnic University on potential faculty or student exchanges
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 President’s Cabinet 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 appropriate administrator or supervisor in conjunction with the Human Resources Specialist in filling a vacancy.

3. The Human Resources Specialist or the Chief Human Resources/Affirmative Action Officer may meet with the search/interview committee to review the search procedures. The Chief Human Resources/Affirmative Action Officer plays a key role in ensuring that equal employment opportunities and affirmative action mandates are met.

4. The appropriate administrator or supervisor with direction from human resources develops a plan of recruitment sources and activities, drafts of advertisements, a vacancy notice, interview questions, and evaluation forms. Parties agree on tasks that must be completed, responsibility for each task, and a timeline for completion.

5. Applicants received for non-list hires provide supplemental data including equal opportunity/affirmative action elements. The Human Resources Specialist examines the initial applicant pool for its composition for women, minorities, and persons with a disability. When this review is completed, the Chief 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 human resources office for review and 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 human resources office.
8. The Chief Human Resources/Affirmative Action Officer reviews the rationale and either approves or denies the justification. If the rationale is denied, the President or designee is notified of that determination and indicates the action recommended. The President or designee will determine final action.

9. At any stage of the process, the Chief 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 Human Resources Specialist and the Chief 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.
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. 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 or all classes/activities may be cancelled depending upon 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 Chief Human Resources Officer and for Winona Campuses, the Vice President of Student Affairs. 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 to close 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.

Employees and students are notified of closing or delayed opening by the President and/or his designees through various communication avenues including: email, digital monitors, college website, instructional management system, Star Alert, and staff walk-around’s. The closure or delayed opening is also made available through radio and television.

**Management Responsibility**

The President, Vice President of Student Affairs and the Chief Human Resources Officer 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, Vice President of Student Affairs, and Chief Human Resources Officer. Special attention to weather conditions will be given to night classes, many of whose students must travel considerable distances.

**Evacuation**

In the case of a fire or building evacuation, persons with a disability 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 a disability will be consulted to determine evacuation procedures upon hire or upon the onset of the disability.
Reasonable Accommodation

ADA Coordinator for employment:  Deanna Voth, Chief Human Resources Officer

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

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

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

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

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

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.


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 two-year, technical college in southeastern Minnesota with campuses in Red Wing and Winona. Growth particularly in the liberal arts area of the college has provided the college opportunities to recruit protected-group candidates. Credentialing is a required step in hiring faculty in a two-year institution. In particular faculty candidates in technical programs must have recent work experience in their area of expertise, as well as, post-secondary education in most cases. Faculty candidates in the liberal arts curriculum must have graduate degrees or related graduate coursework. These requirements could present a barrier to applicants in protected groups. It may also encourage job 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 Upper Midwest Higher Education Recruitment Consortium, Minnesota Diversity, NationJob, direct mail, Minnesota Job Bank, Monster, Career Builder, word of mouth and the college website. Job postings with Minnesota Diversity also are distributed to community websites in Minnesota including diversity, university and college, state workforce, professional/technical, business and veterans’ websites. Posting with NationJob also distributes to websites specific to diversity and persons with disabilities.

Thirty-two vacancies for permanent positions and occurred during the 2010-2012 affirmative action plan. Even though many hires were from a protected group, advancement was not made in addressing the disparities in minorities or persons with disabilities. Eight of the hires were part-time which may have limited the pool of interested applicants. Five of the positions were in the nursing and allied health area where the college has had greater difficulty recruiting protected group members.

Projected Hiring Opportunities and Strategies

During the life of the 2012-2014 affirmative action plan, Minnesota State College-Southeast Technical anticipates a maximum of six retirements and potentially turnover in three additional positions within the following units: Liberal Arts Faculty, Technical Faculty, Professional-Non Faculty, and Office/Clerical. These vacancies occur in goal units where disparities exist.

Minnesota State College-Southeast Technical has had difficulty recruiting qualified minority candidates and persons with a disability into applicant pools. Recruitment strategies will continue to focus on websites that target minority populations and persons with a disability, print media, direct mailings and networking. Additional resources for recruiting targeted groups are continually explored specific to the vacancy.

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.
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. 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.

Supported Employment

The Chief Human Resources Officer will review opportunities for supported employment, when possible, as job openings become available. Minnesota State College-Southeast Technical 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.
Retention Plan

Responsibility for Retention

Minnesota State College-Southeast Technical 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.

Separation Analysis

College separation data for the period of July 2010 through June 2012 was collected and analyzed.

<table>
<thead>
<tr>
<th>Type of Separation</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resignation</td>
<td>14</td>
<td>60.9%</td>
</tr>
<tr>
<td>Retirement</td>
<td>1</td>
<td>4.3%</td>
</tr>
<tr>
<td>Death</td>
<td>1</td>
<td>4.3%</td>
</tr>
<tr>
<td>Layoff</td>
<td>2</td>
<td>8.7%</td>
</tr>
<tr>
<td>Termination without rights</td>
<td>3</td>
<td>13.0%</td>
</tr>
<tr>
<td>Dismissal or non-certification</td>
<td>1</td>
<td>4.3%</td>
</tr>
<tr>
<td>Transfer</td>
<td>1</td>
<td>4.3%</td>
</tr>
<tr>
<td>Total</td>
<td>23</td>
<td></td>
</tr>
</tbody>
</table>

Voluntary separations (resignations, retirements and transfers) accounted for nearly 70% of the separations.

In analyzing the reasons for the voluntary separations, the separation patterns of non-protected and protected group employees are not significantly different. Primarily employees separated for advancement opportunities with other institutions or companies, or left due to personal or family considerations.

Retention of Protected Group Members

Following are strategies to assist in the retention of employees including those with protected group status.

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.

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.
Discrimination/Harassment Complaint Form

Name of person filing complaint (Complainant): ________________________________

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

Address: ___________________________________________________________________

Phone: ___________________________    Email: ________________________________

TYPE OF COMPLAINT:  □  Discrimination  □  Harassment  □  Retaliation  □  _____________

BASIS OF COMPLAINT:

□  Race    □  Age    □  Reliance on Public Assistance
□  Sex    □  National Origin    □  Sexual Orientation
□  Color    □  Disability    □  Membership/Activity in Local Commission
□  Creed    □  Religion

Name of the person you are complaining about (Respondent): _________________________

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

Please describe the action or incident that caused you to file this complaint. Include date, time, place, and witnesses (if any). Attach additional sheets if necessary. Attach documents you believe may be helpful in investigating your complaint.

\How have you tried to resolve this complaint? When? With whom?

Have you informed any other college employee or filed any other complaint with another department with regards to this matter? Explain.

How would you like to see this situation resolved?

Complainant’s Signature: ___________________________ Date: ________________________

An Equal Opportunity Employer and Educator
Employee Request for Reasonable Accommodation

Employee Name: ________________________________  Job Title: ________________________________

Date of Request: ________________________________  Division: ________________________________

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This information will be used by ________________________________ or any other person, including the agency’s legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however, if you refuse to provide it, your employer may refuse to provide reasonable accommodations.

1. Please describe the nature of your limitations, what life activity(s) is substantially limits, and how this life activity(s) is substantially limited.

2. How does it affect your ability to perform your job?

3. Type of accommodation you are requesting:
   - Making facilities readily accessible
   - Job restructuring
   - Part-time or modified work schedule
   - Modification to a rule, policy or practice
   - Modification of equipment or devices
   - Qualified reader or interpreter
   - Acquisition of equipment or devices
   - Other (specify):

   Please describe in detail the accommodation you are requesting:

4. How will the requested accommodation be effective in allowing you to perform the essential functions of your job?

5. Additional comments:

Signature of Employee: ________________________________  Date: ____________________________

aa-eeo/forms/employee request for reasonable accommodation