State of Minnesota

Northland Community and Technical College

2018-2020 Affirmative Action Plan

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As requested by Minnesota Statute 3.197: This report cost approximately $10.00 to prepare, including staff time, printing and mailing expenses.

Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording. Printed on recycled paper.
# Table of Contents

Executive Summary ...................................................................................................................... 3  
Organizational Profile (Brief Overview) ...................................................................................... 4  
Statement of Commitment ............................................................................................................. 4  
Individuals Responsible for Directing/Implementing the Affirmative Action Plan ............... 5  
  A. President ................................................................................................................................. 5  
  B. Affirmative Action Officer .................................................................................................... 6  
  C. Affirmative Action Officer Designee(s) ............................................................................... 7  
  D. Human Resources Director .................................................................................................. 8  
  E. Americans with Disabilities Act Title I Coordinator .......................................................... 9  
  F. Americans with Disabilities Act Title II Coordinator ......................................................... 11  
  G. Diversity Officer ................................................................................................................. 12  
  H. Senior Managers and Facility Executive Team Leaders .................................................. 13  
  I. All Employees ...................................................................................................................... 13  
Communication of the Affirmative Action Plan ........................................................................ 14  
  Internal Methods of Communication ...................................................................................... 14  
  External Methods of Communication ..................................................................................... 15  
Underutilization Analysis and Affirmative Action Goals ............................................................ 15  
  Availability: ............................................................................................................................. 17  
Separation and Retention Analysis by Protected Groups ............................................................... 18  
  Women ..................................................................................................................................... 19  
  Minorities ................................................................................................................................. 19  
  Individuals with Disabilities .................................................................................................... 20  
  Veterans ................................................................................................................................... 20  
Program Objectives, Identified Barriers, and Corrective Action to Eliminate Barriers ............ 20  
  Program Objectives for Women ............................................................................................... 20  
  Program Objectives for Racial/Ethnic Minorities ................................................................. 22  
  Program Objectives for Individuals with Disabilities ............................................................. 23  
  Program Objectives for Veterans ............................................................................................ 25  
Methods of Auditing, Evaluating, and Reporting Program Success .......................................... 27  
  Pre-Employment Review Procedure/Monitoring the Hiring Process ...................................... 27  
Appendix ..................................................................................................................................... 30  
  Minnesota State’s Equal Opportunity and Non-discrimination in Employment and Education Policy30  
  Minnesota State’s Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure ................................................................. 33  
Part 1. Purpose and Applicability ................................................................................................. 34  
Part 4. Reporting Incidents of Discrimination/Harassment .......................................................... 36  
Part 8. Appeal ............................................................................................................................... 42  
DESIGNATED OFFICER: .............................................................................................................. 43  
  Statewide ADA Reasonable Accommodation Policy Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy ................................................................. 44  
  Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance ........ 57
Executive Summary

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

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

Table 1: Underutilization Analysis of Protected Groups

<table>
<thead>
<tr>
<th>Job Categories</th>
<th>Women</th>
<th>Racial/Ethnic Minorities</th>
<th>Individuals with Disabilities</th>
<th>Veterans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officials &amp; Administrators</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Faculty</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Professionals</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Technicians</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Office Clerical Paraprofessional</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Maintenance</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Information about how to obtain or view a copy of this Plan will be provided to every employee of the college. Our intention is to make every employee aware of Northland Community and Technical College commitments to affirmative action and equal employment opportunity. The Plan will also be posted on the Northland Community and Technical College’s website and maintained in the Human Resources/Affirmative Action Office.

Affirmative Action Officer or Designee: [Signature] Date Signed: 7-31-18

Human Resources Director or Designee: [Signature] Date Signed: 7-31-18

College President: [Signature] Date Signed: 7-31-18
Organizational Profile (Brief Overview)

Northland Community and Technical College (NCTC) is a comprehensive college with campuses in Thief River Falls, MN, and East Grand Forks, MN. NCTC also has an aerospace site in Thief River Falls, MN, and a satellite site in Roseau, MN. NCTC offers certificates, diplomas, transfer courses, two-year degrees (A.A.S., A.S., A.A.) in more than 80 areas of study, workforce training and education programs. NCTC is a member of Minnesota State, the fourth-largest system of two-year colleges and four-year universities in the United States, and is accredited by the Higher Learning Commission of the North Central Association. NCTC is an affirmative action/equal opportunity employer & educator. For more information about Northland Community & Technical College, visit www.northlandcollege.edu or call 1.800.959.6282.

Statement of Commitment

This statement reaffirms Northland Community and Technical College is committed to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.

- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.

- This college is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.

- This college will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.

- This college will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this college will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the college’s policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.

College President: [Signature] Date Signed: 7.31.18
Individuals Responsible for Directing/Implementing the Affirmative Action Plan

A. President

Responsibilities

The President is responsible for establishing an Affirmative Action Program, including goals, timetables and compliance with all federal and state laws and regulations. The President will report annually to the Chancellor and the Board of Trustees, the college’s progress in meeting its affirmative action goals and objectives.

Duties

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the college’s Affirmative Action Plan in his or her position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the department’s commitment to affirmative action and equal employment opportunity, and ensure that such a statement is disseminated to all employees.
- Make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the college.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and college’s mission.
- Report annually to the Chancellor and the Board of Trustees the college’s progress in affirmative action.
- Actively promote the enforcement of equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all college directors, managers, and supervisors include responsibility statements for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

Accountability

The President is accountable directly to the Chancellor and indirectly to the Board of Trustees for affirmative action matters.

Name of individual(s) responsible

Name: Dr. Dennis Bona
Title: President
Email: dennis.bona@northlandcollege.edu
Phone: 218-793-2465
B. Affirmative Action Officer

Responsibilities

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

Duties

The duties of the Affirmative Action Manager shall include, but not be limited to, the following:

- Develop and administer the college’s Affirmative Action Plan.
- Develop and set college-wide affirmative action hiring goals.
- Monitor college compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the college.
- Inform the President on progress in affirmative action and equal opportunity and report potential concerns.
- Act as the affirmative action liaison between the college, MMB, and the Governor’s Office.
- Determine the need for affirmative action training within the college and initiate the development of such training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action and equal opportunity.
- Develop innovative programs to attract and retain protected group members in the college.
- Support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- Manage the college’s pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the President for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain protected group candidates and employees.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the college diversity recruitment program.
Accountability

The Affirmative Action Officer is accountable to the President for program impacts and for ongoing program activities and direction. The Affirmative Action Manager oversees the administrator of ADA Title II, administrator of Diversity and Inclusion, and administrator of Limited English Program.

Name of individual(s) responsible

1. Name: Kristi Lane  
   Email: Kristi.lane@northlandcollege.edu  
   Title: Affirmative Action Officer  
   Phone: 218-683-8631

C. Affirmative Action Officer Designee(s)

Responsibilities

The designees are responsible for the implementation of the department’s Affirmative Action Plan at their work location. Each designee is directly accountable to the college’s Affirmative Action Officer for matters relating to affirmative action.

Duties

- Fulfill all affirmative action reporting requirements by submitting standard quarterly reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.
- Serve as a member of the department-wide Affirmative Action Officers Committee.
- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices and to recommend changes to the Affirmative Action Manager.

Accountability

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

Name of individual(s) responsible

1. Name: Michelle Benitt  
   Email: michelle.benitt@northlandcollege.edu  
   Title: Human Resources Business Partner  
   Phone: 218-683-8634

2. Name: Colleen Kukowski  
   Title: HR Assistant
D. Human Resources Director

Responsibilities

The Human Resources Office is responsible for ensuring equitable and uniform administration of all personnel policies. Human Resources Directors are responsible for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for accommodations to remove barriers to equal employment opportunity with the college, assisting managers and supervisors in human resources management activities.

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

Duties

The duties of Human Resources shall include, but not be limited to, the following:

- Maintain effective working relationships with college affirmative action officers and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and utilization of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected class persons and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors by working effectively with the affirmative action officer.
- Initiate and report on specific program objectives contained in the affirmative action plan;
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers and the Affirmative Action Officer in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officers, and human resources staff in the intentional creation of Supported worker positions that assist in reduction of college costs by diverting supportive employment duties from higher skilled workers to a supported worker position and thus improve employee morale and retention of individuals with disabilities in integrated employment.
• Request recruitment assistance from MMB’s Statewide Director of Diversity Recruitment and Retention in the diversity recruitment and retention of protected group members in hard to fill or executive level positions.

• Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.

Accountability

Human resources staff are accountable to the Human Resource Directors or designees. Additionally, Human Resources Department ensures that aggregate data and trends of complaints of illegal discrimination in hiring are provided and shared with the Affirmative Action Manager on a quarterly basis.

Name of individual(s) responsible

1. Name: Kristi Lane
   Title: Human Resources Director
   Email: Kristi.lane@northlandcollege.edu
   Phone: 218-683-8631

E. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for the oversight of the college's compliance with the ADA Title I – Employment, in accordance with the ADA - as amended and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title I Coordinator shall include, but are not limited to, the following:

• Provide guidance, coordination, and direction to college management with regard to the ADA in the development and implementation of college policy, procedures, and practices to ensure college employment practices and programs are accessible and nondiscriminatory.

• Provide training, technical guidance, and consultation to college management and staff on compliance and best practices with regard to hiring and retention of individuals with disabilities as well as the provision of reasonable accommodations to employees and job applicants.

• Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing college services, and report reasonable accommodations annually to MMB.
• Research case law rules and regulation and update Human Resources Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.

• Ensure compliance with ADA reporting according to state and federal requirements.

• Assist the Affirmative Action Officer in designing and delivering specific ADA training for targeted groups.

• Submit reasonable accommodation reimbursement under the guidelines of the statewide accommodation fund.

• Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or enjoy equal benefits and privileges. The ADA coordinator and the regional human resources director (RHRD) who also serves as the regional ADA coordinator, in consultation with the employee and supervisor, and other individuals who may need to be involved must:
  o Discuss the purpose and essential functions of the particular job and complete a step-by-step job analysis;
  o Determine the precise job-related limitations;
  o Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
  o After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.

Accountability:

The ADA Title 1 Coordinator is accountable to President.

Name of individual(s) responsible
1. Name: Kristi Lane
   Title: Chief Human Resources Officer
   Email: Kristi.lane@northlandcollege.edu
   Phone: 218-683-8631

F. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible for the oversight of the college/university’s compliance with the ADA Title II – Public Services, in accordance with the ADA - as amended and the Minnesota Human Rights Act.

Duties:

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

- Provide guidance, coordination, and direction to college/university management with regard to the ADA in the development and implementation of college/university policy, procedures, and practices to ensure college/university services and programs are accessible and nondiscriminatory for the public.
- Provide training, technical guidance, and consultation to the college/university’s management and staff on compliance and best practices with regards and obligations to members of the public with disabilities as well as the provision of reasonable modifications to visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing college/university services, and report reasonable modifications annually to MMB.
- Research case law rules and regulation and update Executive team on evolving ADA issues. Meet bi-annually with state ADA Coordinators and learn updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Manager in designing and delivering specific ADA training for college/university employees assisting ADA modifications for the public.
- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II coordinator in consultation with the member of the public in need of a modification shall:
  - Discuss the purpose and essential functions of a particular reasonable modification;
Identify the potential modifications and assess the effectiveness each request.

After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the college/university. This review shall be documented and reported in the State ADA Annual Report.

Accountability:

The ADA Title II Coordinator is accountable to the President.

Name of individual(s) responsible

1. Name: Kristi Lane

   Title: CHRO

   Email: Kristi.lane@northlandcollege.edu

   Phone: 218-683-8631

G. Diversity Officer

Responsibilities

The Diversity Recruitment Officer is responsible for the creation and coordination of the Diversity Recruitment Plan outlined in this document.

Duties

The duties of Diversity Recruitment Officer shall include, but not be limited to, the following:

- Identify high need recruitment job areas within the college.
- Communicate the strategic recruitment plan to human resources, the executive team, management, and staff.
- Assist the Affirmative Action Officer in conducting periodic audits of recruitment activity to measure the effectiveness of efforts and activities to attaining strategic diversity goals and objectives.
- Maintain relationships with college executive teams, human resources, and management to ascertain the diversity recruitment needs of the department.
- Maintain relationships with community stakeholders, colleges and universities, and workforce centers to continue effective diversity recruitment strategies.
- Maintain active participation in the statewide recruiters group and MNCARRS.
Accountability

The Diversity Recruitment Officer is accountable to the President.

H. Senior Managers and Facility Executive Team Leaders

Responsibilities

College senior managers and executive team leaders are responsible for implementing all aspects of the college Affirmative Action Plan and the college’s commitment to affirmative action and equal opportunity.

Duties

The duties of senior managers and facility executive team leaders shall include, but not be limited to, the following:

- Identify problem areas and eliminate barriers that inhibit equal employment opportunity within their units and the college.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees assigned to their units.
- Assist the Affirmative Action Officer in conducting periodic audits of hiring and promotion patterns to remove impediments to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ascertain that the college’s equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results in addition to other job performance criteria.
- Demonstrate and practice a discrimination and harassment free work environment for all employees.

Accountability

Senior managers and executive team leaders are accountable directly to the appropriate Assistant President, the Deputy President or the President.

I. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the state of Minnesota’s policy of equal employment opportunity by refraining from any actions that would subject any employee to negative treatment on the basis of that individual’s race, creed, color, sex (including
pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use the college's complaint procedure.

Duties:

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

- Exhibit an attitude of respect, courtesy and cooperation towards fellow employees and the public.
- Refrain from any actions that would adversely affect a coworker on the basis of their race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the college’s President. Employees are responsible for maintaining an environment free from harassment and discrimination. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

Communication of the Affirmative Action Plan

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

Internal Methods of Communication

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the college’s leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
- The college’s Affirmative Action Plan is available to all employees on the college’s internal website at http://www.northlandcollege.edu/about-northland/offices/hr/docs/affirmative-action-plan.pdf or in print copy to anyone who requests it. As requested, the college will make the plan available in alternative formats.
- A physical copy of the college’s Affirmative Action Plan will be available to employees at the following address:
  - HR Dept., 1101 Hwy 1 East, Thief River Falls, MN 56701
• HR Dept., 2022 Central Ave. NE, East Grand Forks, MN  56721

• Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

External Methods of Communication

• The college’s Affirmative Action Plan is available on the college’s public website at http://www.northlandcollege.edu/about-northland/offices/hr/docs/affirmative-action-plan.pdf or in print copy to anyone who requests it. As requested, the college will make the plan available in alternative formats.

• The college’s website homepage, letterhead, publications, and all job postings, will include the statement “an equal opportunity employer” and “women, minorities, and individuals with disabilities are encouraged to apply.” The college will also ensure a representative ratio of diversity is on all diversity marketing materials.

• Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

• A physical copy of the college’s Affirmative Action Plan will be available to contractors, vendors, and members of the public at the following address:
  o HR Dept., 1101 Hwy 1 East, Thief River Falls, MN  56701
  o HR Dept., 2022 Central Ave. NE, East Grand Forks, MN  56721

Underutilization Analysis and Affirmative Action Goals

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

Table 2. Underutilization Analysis and Hiring Goals for 2018-2020
The second, third, and fourth columns of this chart show the number of underutilized individuals of each group in each category at this college. The fifth, sixth, and seventh columns show the college’s hiring goals for each group in each category.
<table>
<thead>
<tr>
<th>Job Categories</th>
<th>Underutilization - # of Individuals</th>
<th>Hiring Goals for 2018-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Women</td>
<td>Racial/ Ethnic Minorities</td>
</tr>
<tr>
<td>Officials/ Administrator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Faculty</td>
<td>1</td>
<td>35</td>
</tr>
<tr>
<td>Professionals</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Technicians</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Office/Clerical</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Service/ Maintenance</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Skilled Craft</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Availability:

The college determined the recruitment area to be statewide for all job categories. In conducting its underutilization analysis, the college used the one-factor analysis. The college determined it was best to use this type of analysis because of the low number of internal movement in the past as well as projected in the future and taking into consideration increased attrition within the College due to budget reasons.

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

Women:

At the college, the population of women has improved in the following job categories: Professionals, Office/Clerical and Technicians and has not improved in the following job categories: Faculty. A large contributing factor to the faculty category is that of the 11 faculty separations, 54.55% of those were women, four of which were retirees. In addition, as predicted in our goals identified for 2016-2018 with regards to anticipated budget constraints, many positions went unfilled due to attrition and low enrollment. Although our analysis shows an underutilization, we have remained constant or improved in all areas except one.

Minorities:

At the college, the population of minorities has improved in the following job categories: Technicians and Service Maintenance and has not improved in the following job categories: Professionals, Faculty and Office/Clerical. Contributing factors to this trend could be attributed to the fact that out of the total separations, 12.90% was comprised of minorities. Northwest Minnesota’s population consists of 89.5% white and 10.5% individuals identifying as non-white. The low percentage of diversity within the region makes it even more difficult to attract and retain diverse candidates to Northland. We will continue to work with area businesses, workforce centers and diverse agencies to promote and recruit minority candidates as well as provide a more inclusive working environment to retain our diverse employees.

Individuals with Disabilities:

At the college, the population of individuals with disabilities has improved in the following job categories: Officials/Administrators, Faculty and Office/Clerical and has not improved in the following job categories: Technicians. Northland has a low population of employees identifying as an individual with disabilities and our plan year separation analysis illustrates a 3.23% loss among the 1.45% total population. Northland will continue to explore and research new avenues for recruitment including working with the local Workforce Centers; however, our analysis does indicate we have remained the same or improved in all areas except one.
Veterans:

At the college, the population of veterans has improved in the following job categories: Office/Clerical and has not improved in the following job categories: Professionals, Faculty and Technicians. Our Veteran category is a very low percentage of our overall college workforce and unfortunately, consisted of 16.3% of our separating employees. We will continue to work with our existing Veteran employees to seek input on additional recruiting opportunities and saturate the veteran publications with information on working at Northland.

Separation and Retention Analysis by Protected Groups

The college is committed to the retention of all employees, including members of the following protected groups: women, racial/ethnic minorities, individuals with disabilities and veterans. The college will strive to affirmatively ensure equal employment opportunity by retaining a diverse composite of talented and qualified employees, with emphasis on under-represented individuals. To be successful, the responsibility for these retention efforts lies with all employees. The college’s retention strategy is a multi-faceted approach, guided by the college management, Human Resources Director, and Affirmative Action Officer.

Table 2 Person’s Responsible for College Retention Programs/Activities

<table>
<thead>
<tr>
<th>Title</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>College President</td>
<td><a href="mailto:Dennis.bona@northlandcollege.edu">Dennis.bona@northlandcollege.edu</a></td>
</tr>
<tr>
<td></td>
<td>218-793-2465</td>
</tr>
<tr>
<td>Chief Human Resources Officer / AAO</td>
<td><a href="mailto:Kristi.lane@northlandcollege.edu">Kristi.lane@northlandcollege.edu</a></td>
</tr>
<tr>
<td></td>
<td>218-683-8631</td>
</tr>
<tr>
<td>President’s Council</td>
<td></td>
</tr>
</tbody>
</table>

The college will continue to analyze and review separation data for disparate impact on protected group employees. This will include reviewing non-certification trends, layoff trends, resignation trends, and disciplinary discharges. The appendix will include a separation report broken down by EEO4 job category. Below is a snapshot of the college separations throughout the past two years as well as a narrative describing the separation analysis:
Table 3 Type of Separation

<table>
<thead>
<tr>
<th>Type of Separation FY2017-2018</th>
<th>Total Number</th>
<th>Total Percentage</th>
<th>Percentage of Women</th>
<th>Percentage of Minorities</th>
<th>Percent of Persons w/ Disabilities</th>
<th>Percent of Veterans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissals/Non Certification</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Resignations</td>
<td>14</td>
<td>45.16%</td>
<td>35.71%</td>
<td>14.29%</td>
<td>7.14%</td>
<td>21.43%</td>
</tr>
<tr>
<td>Retirement</td>
<td>8</td>
<td>22.58%</td>
<td>85.71%</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Death</td>
<td>1</td>
<td>3.23%</td>
<td>100%</td>
<td>100%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Lay Off</td>
<td>3</td>
<td>9.68%</td>
<td>33.33%</td>
<td>33.3%</td>
<td>0</td>
<td>33.3%</td>
</tr>
<tr>
<td>Termination w/o Rights</td>
<td>5</td>
<td>16.13%</td>
<td>40%</td>
<td>0</td>
<td>0</td>
<td>20%</td>
</tr>
<tr>
<td>Total Separations</td>
<td>31</td>
<td>100%</td>
<td>48.39%</td>
<td>12.90%</td>
<td>3.23%</td>
<td>16.13%</td>
</tr>
</tbody>
</table>

**Women**

Women represent approximately 50.18% of the total college workforce. The college saw a total of 31 separations from FY 2017 and FY 2018. Women were 48.39% of all separations. This is proportionately lower relative to their total college workforce representation. The majority of women separations consisted of retirements and resignations. Resignations were due to family relocation, furthering their education and/or long-standing intermittent employees who did not realize they were still considered employees and resigned.

**Minorities**

Minorities represent approximately 4.73% of the total college workforce. The college saw a total of 31 separations from FY 2017 and FY 2018. Minorities were 12.9% of all separations. This is proportionately higher relative to their total college workforce representation. Given the fact that people identifying as non-white in northwest Minnesota consists of 10.5% of the population, not only affects the recruitment but retention as well. The minority separations were due to layoff, death and resignation to further one’s education. Overall, Northland has remained the same or improved in over half of the job categories.
Individuals with Disabilities

Individuals with Disabilities represent approximately 1.45% of the total college workforce. The college saw a total of 31 separations from FY 2017 and FY 2018. Individuals with Disabilities were 3.23% of all separations. This is proportionately higher relative to their total college workforce representation. I don’t believe we have a true representation of individuals with disabilities as not all individuals choose to self-identify. Northland welcomes disabled individuals and ensures accommodations are made if needed.

Veterans

Veterans represent approximately 4.36% of the total college workforce. The college saw a total of 31 separations from FY 2017 and FY 2018. Veterans were 16.13% of all separations. This is proportionately higher relative to their total college workforce representation. Although our analysis indicates we have underutilization, Northland has remained the same or improved in over half of our job categories.

Program Objectives, Identified Barriers, and Corrective Action to Eliminate Barriers

The college’s Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minnesota Statutes, Chapter 43A.191, and Subdivision 2.

This section will identify ways this college has determined to eliminate barriers, provide corrective actions, and achieve affirmative action goals for underutilized protected group applicants/employees (broken down by specific job categories.) These objectives have been developed as strategic, actionable and measurable efforts the college has committed to pursuing and implementing from 2018-2020.

Program Objectives for Women

The following job categories have been identified as underutilized for women.

<table>
<thead>
<tr>
<th>List job category name</th>
<th>Percent women employees in category</th>
<th>Percent women hired in category</th>
<th>Percent women separated in category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>45.88%</td>
<td>0%</td>
<td>54.55%</td>
</tr>
<tr>
<td>Professionals</td>
<td>47.62%</td>
<td>33.33%</td>
<td>20%</td>
</tr>
<tr>
<td>Service Maintenance</td>
<td>18.18%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>
The following corrective action has been planned to eliminate the barriers for women in each category.

**Recruitment action for women in this category:**

Northland Community and Technical College would like to encourage more females to apply for vacancies in these categories. We will explore a more non-traditional means of reaching women through social media and targeted placement of flyers which include the indication that women and minorities are encouraged to apply. Possible regional efforts may include advertising with women professional groups and conferences, women's publications and local job fairs.

**Recruitment barrier identified for women in this category:**

The college has mainly focused on routine recruitment efforts and need to expand our efforts. The college will focus on rewording advertisements to include more of the specific responsibilities in postings targeting all applicants. Although past history shows that Service Maintenance has been a particularly hard category to fill with women and women of color, if vacancies do occur, we will be intentional of how we word these vacancies so that they may appeal more to women.

**Future Evaluation:**

The college is uncertain at this point if we will be presented with many opportunities to hire in the next biennium. We will however continue our efforts of pre-hire review to determine if further outreach will assist in meeting our hiring goals. During this review, we will also assess if affirmative hires meet qualifications and may be moved forward in the process for further consideration. The college will assess all applicant pools and will modify program objectives after the first year, if needed.

**Past Evaluation:**

Northland had minimal searches in these categories and had very few female candidates. Due to the fact that we did not have this specific measurement in the last Affirmative Action Plan, we don't have a means for comparative evaluation at this time. However, we either stayed the same or improved in all job categories except for one for this protected group.

**Person's Responsible:**

- Chief Human Resources Officer
- Human Resources Specialist

**Target Dates:**

Ongoing Effort – the college will begin outreach efforts beginning fall of 2018 and will eventually expand to additional groups/resources.
Program Objectives for Racial/Ethnic Minorities

The following job categories have been identified as underutilized for racial/ethnic minorities.

<table>
<thead>
<tr>
<th>List job category name</th>
<th>Percent racial/ethnic employees in category</th>
<th>Percent racial/ethnic hired in category</th>
<th>Percent racial/ethnic separated in category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>4.12%</td>
<td>0%</td>
<td>9.9%</td>
</tr>
<tr>
<td>Professionals</td>
<td>2.38%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Office/Clerical</td>
<td>3.57%</td>
<td>12.5%</td>
<td>14.29%</td>
</tr>
</tbody>
</table>

The following corrective action has been planned to eliminate the barriers for racial/ethnic minorities in each category.

Recruitment action for Racial/Ethnic Minorities in this category:

Northland will continue to provide training and increased awareness of diversity efforts during the search committee orientation meetings, building an awareness of diversity and our commitment to hiring and supporting a diverse workforce. Discussions will consist of inclusive recruitment strategies and ways to increase applicant pool diversity.

The college is working on developing relationships within the community and broader region addressing underutilized populations, recruitment efforts and retention. We will continue to build these partnerships and identify joint efforts to assist one another of being not only a business of choice but a region.

Recruitment barrier identified for Racial/Ethnic Minorities in this category:

People identifying as non-white in northwest Minnesota consists of 10.5% of the population, this not only affects the recruitment but retention as well. The college will begin focusing on non-traditional means of recruitment such as local events as Farmers Market, Church Bulletins and events, Community Events as well as Community Service organizations. This will be a priority going into the next biennium in hopes of attracting and reaching more diverse audiences. The college will continue to work closely with the Minnesota Workforce Center in efforts to reach diverse populations.
Future Evaluation:

Each quarter, the college will assess the applicant pools for posted positions in each of the underutilized categories. After one year, the progress will be assessed and the program objectives may be modified if needed.

Past Evaluation:

Due to the fact that we did not have this specific measurement in the last Affirmative Action Plan, we don't have a means for comparative evaluation at this time. However, going forward, this will likely be included in the overall evaluation process.

Person's Responsible:

- Chief Human Resources Officer
- Human Resources Assistant
- College Leadership

Target Dates:

Ongoing Effort

Program Objectives for Individuals with Disabilities

The following job categories have been identified as underutilized for individuals with disabilities.

<table>
<thead>
<tr>
<th>List job category name</th>
<th>Percent individuals with disabilities employees in category</th>
<th>Percent individuals with disabilities hired in category</th>
<th>Percent individuals with disabilities separated in category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Professionals</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Technicians</td>
<td>3.57%</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>Service Maintenance</td>
<td>9.09%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

The following corrective action has been planned to eliminate the barriers for individuals with disabilities in each category.
Recruitment action for individuals with disabilities in this category:

The college would like to encourage more individuals identifying as having a disability to apply for vacancies in these categories. Although Northland is underutilized, only one employee from this protected group separated employment in the last biennium. The college will enhance outreach efforts that target those populations. However, I don’t believe we have a true representation of individuals with disabilities as not all individuals choose to self-identify. Northland welcomes disabled individuals and ensures accommodations are made if requested.

The college will continue to advocate for individuals with disabilities and will ensure advertisements are clear in assuring that all qualified applicants receive equal consideration for employment without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

Recruitment barrier identified for individuals with disabilities in this category:

The college has mainly focused on routine recruitment efforts that do not specifically target individuals with disabilities. Connect 700 is a great program however we don’t see as much activity through this program in our region as others have been. The college has historically had diverse candidate pools; however, this category is either less likely to identify or Northland has had a minimal number of individuals with disabilities applying for positions. The college Human Resources Office will continue efforts to evaluate and enhance hiring practices to ensure that discrimination against individuals with disabilities does not occur.

Future Evaluation:

Each quarter, the college will assess the applicant pools for posted positions in each of the underutilized categories. After one year, the progress will be assessed and the program objectives may be modified if needed.

The college will annually ask current employees to review and update their supplemental information related to disability status in effort to ensure those currently within the workforce have opportunities to reflect any changes in their disability status.

Past Evaluation:

Due to the fact that we did not have this specific measurement in the last Affirmative Action Plan, we don’t have a means for comparative evaluation at this time. However, we either stayed the same or improved in all job categories except for one for this protected group.

Person’s Responsible:

- Chief Human Resources Officer
- Director of Academic Success Center
Human Resources Assistant

Target Dates:

Ongoing efforts.

Program Objectives for Veterans

The following job categories have been identified as underutilized for Veterans.

<table>
<thead>
<tr>
<th>List job category name</th>
<th>Percent veteran employees in category</th>
<th>Percent veteran hired in category</th>
<th>Percent veteran separated in category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>4.71%</td>
<td>0%</td>
<td>9.09%</td>
</tr>
<tr>
<td>Professionals</td>
<td>4.76%</td>
<td>0%</td>
<td>20%</td>
</tr>
<tr>
<td>Technicians</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

The following corrective action has been planned to eliminate the barriers for veterans in each category.

Recruitment action for veterans in this category:

The college would like to encourage more veterans to apply for vacancies in these categories and will enhance outreach efforts that target veterans. This will include exploring partnerships with the entities such as American Legion and VFW groups. The college will advertise positions on military job boards and websites such as military.com, hirevetsfirst.com and usajobs.gov. The college will invite former military employees if they can to refer other veterans for open positions.

Recruitment barrier identified for veterans in this category:

The college has mainly focused on routine recruitment activities that do not specifically target veterans. Although applicant pools have been sufficiently diverse, the candidates accepting the offers do not belong to the veteran category. Broadening the recruitment efforts will better position the college to attract qualified applicants of this protected group.
Future Evaluation:

Each quarter, the college will assess the applicant pools for posted positions in each of the underutilized category. After one year, the progress will be assessed and the program objective may be modified.

Past Evaluation:

The college is committed to continuing promoting an all-inclusive military-friendly environment. This objective was not specifically set in the last Affirmative Action Plan. However, expanding recruitment will most likely be included in subsequent plans for comparative evaluation.

Person’s Responsible:

- Chief Human Resources Officer
- Human Resources Assistant
- College Leadership

Target Dates:

Ongoing efforts.
Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

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

Any time the college cannot justify a hire, the college takes a missed opportunity. College leadership will be asked to authorize the missed opportunity. The college will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management & Budget on a quarterly basis.

When candidates are offered interviews, personnel scheduling interviews will describe the interview format to the candidate and provide an invitation to request a reasonable accommodation notice to candidates with disabilities to allow the candidate equal opportunity to participate in the interview process. For example, if interview questions are offered ahead of time or what technology may be used during the interview process.

It shall be the goal of the college to promote diversity in all of its manifestations. The college encourages candidates to apply for vacancies of varying ages, from many cultural backgrounds and from various parts of the world.

The Supervisor determines that a vacancy exists and gains administrative approval to initiate the search process. The affirmative action officer will determine if under-utilization exists in the goal unit for each specific vacancy.

If under-utilization exists for a goal unit for a vacancy, the college will reimburse administrator candidates for pre-approved actual costs associated to travel for the interview and the college will reimburse other candidates for other vacancies up to a maximum of $250 for those individuals that are traveling in excess of 150 (one-way) miles to participate in the interview. For vacancies where under-utilization exists, candidates will be reduced to no more than five (5) to be invited for on-site interviews.

When under-utilization exists, the college will advertise vacancies in publications to target protected class applications. The college will make a good faith effort to include protected class candidates throughout the application and selection process.
At any stage of the process, the affirmative action officer may request that the president extend and/or close the search if the pool of protected class candidates is not satisfactory.

The college is committed to considering persons with disabilities who can perform the essential functions of the job with or without reasonable accommodations, and recruitment efforts will target people with disabilities.

The search committee will be chaired by the appropriate administrator/supervisor or the Executive Director of Administrative Services/Human Resources Director and is responsible for the aspects of the search process. Volunteer representatives from constituent groups will be sought to participate in the search process, as appropriate: support staff, faculty, students, advisory committee, and business/industry. Support staff may be appointed from various bargaining units. Composition of the search committee will be contingent upon the nature of the vacancy. The Executive Director of Administrative Services/HR Director may serve as a non-voting member of the committee as the Affirmative Action Officer.

All members of the search committee must agree to make themselves available to all aspects of the hiring process or they should not serve. All members will also attend an orientation and criteria development meeting before the initial screening of the applicant files begins and must agree to maintain confidentiality during the entire process. Members of the search committee should not provide letters of recommendation for candidates as this poses a potential conflict of interest.

The role of the search committee is to be a partner with the administration in filling the vacancy. Tasks may include review of the position description (if applicable), screening of candidates, creation of the interview questions, and the evaluation of candidates.

The search committee will review all applications and identify the candidates to be interviewed. The pool of candidates to be interviewed will, when appropriate, be expanded to include faculty with system-wide interview rights. The Affirmative Action Officer and the President may add candidates to the interview pool.

The Human Resources Department will contact all semi-finalists to arrange the interviews and if they remain interested, will send them:

   a. Confirmation of date and time of appointment
   b. Position description and/or proposed assignment
   c. Promotional materials about the college and community

Other activities intended to assist the candidates understand the college and the community may be developed. They may include:

   a. A tour of the college
   b. Relocation information regarding housing, community orientation, etc.
   c. A meeting with the college president
When the interviews have been completed, the search committee will meet to discuss and determine which of the semi-finalists meet the criteria and are acceptable for recommendation to the president. The determination is to be based on the following factors:

a. The candidates' credentials
b. Interview results
c. A presentation/lecture on a topic germane to responsibilities of the position (or some other method used to evaluate the candidates approach to teaching or qualifications, if applicable).

Final candidates list is compiled and submitted to the President. The President may meet with the committee for discussion prior to making a selection and may conduct reference checks. The President will make the appointment.

Classified Vacancies – the recruitment strategies for classified positions will vary from that of unclassified positions. The recruitment strategies utilized will be in compliance with the policies and procedures established by the Minnesota Management and Budget regarding the civil service process. Several factors may influence the recruitment and appointments such as bid, recall from layoff, claim, transfer from another state agency, etc.

The Employee Selection Procedures will not be implemented for emergency or temporary appointments. All personnel involved in the selection process will be trained and accountable for the college's commitment to equal opportunity and the affirmative action program and its implementation.

**Pre-Review Procedure for Layoff Decisions**

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

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

**Other Methods of Program Evaluation**

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

- Quarterly Monitoring the Hiring Process Reports
- Biannual Affirmative Action Plan
- Annual ADA Report
Our college also evaluates our affirmative action plan in the following:

- Monitors progress toward stated goals by job category on a quarterly basis;
- Analyzes employment activity – hires, promotions, and terminations by job group to determine if there is adverse impact;
- Analyzes compensation program to determine if there are patterns of discrimination per respective hires;
- Reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested;
- Discussion of progress with college leadership on a periodic basis and recommendations for improvement.

Appendix

Minnesota State’s Equal Opportunity and Non-discrimination in Employment and Education Policy


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

Subpart B. Nondiscrimination. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. 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, familial status, status with regard to public assistance, sexual orientation, gender identity, or gender expression is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.
This policy is directed at verbal or physical conduct that constitutes discrimination/harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech.

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

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

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

**Part 2. Definitions.**

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

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

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

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

- 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

- 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

- Such conduct has the purpose or effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

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

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

- Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, membership or activity in a local human rights commission is a protected class in employment.

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

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

- Made a complaint under this policy;

- 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;

- Associated with a person or group of persons with a disability or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or

- Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement colleges/universities, under any federal or stated nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

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

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

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

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

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

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

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

Minnesota State’s Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure

Northland Community and Technical College hereby adopts Minnesota State 1B.1.1 Procedure in full, as 1020P, with additions per OCR noted in Part 6, Subpart C, Processing the Complaint and Part 6, Subpart E, Decision Process: http://www.mnscu.edu/board/procedure/1b01p1.html
Part 1. Purpose and Applicability.

**Subpart A. Purpose.** This procedure is designed to further implement Minnesota State 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, gender identity, gender expression, marital status, or status with regard to public assistance. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

**Subpart B. Applicability.** This procedure shall apply to all individuals affiliated with Minnesota State, 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.

**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:

a. Participated in the investigation or resolution of a complaint under this procedure;
b. Opposed conduct the individual believes was in violation of Board policy 1B.1; or,
c. 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.


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 (within 20 days of a report/complaint being made), 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 investigatory 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 (within 45 days of a report/complaint being made):
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 (within 50 days of a report/complaint being made) and forward it to the decision maker for review and decision which shall include:
      o Name of the alleged victim and, if different, the name of the person reporting the allegation;
      o A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
      o The date that the complaint or other report was made;
      o The date the respondent was interviewed;
      o The names of all persons alleged to have committed the alleged act of discrimination;
      o The names of all known witnesses to the alleged incident(s);
      o The dates that any relevant documentary evidence was obtained;
      o Any written statements of the complainant (or victim, if different from the complainant);
      o The outcome of the investigation and, if any, disciplinary process;
      o The response of college personnel and, if applicable, college-level officials, including any interim and permanent steps taken with respect to the complainant and the respondent; and
      o A narrative of all action taken to prevent recurrence of any discriminatory incident(s), including any written documentation
   b.) take additional investigative measures as requested by the decision maker; 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 decision maker 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. System office, college, or university action. The system office, college, or university shall take the appropriate corrective action based on results of the investigation, and the designated officer shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates Board policy 1B1.1, as well as allegations of retaliation.

Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the system office, college or university. In accordance with state law, the System office, college or university is responsible for filing the complaint disposition concerning complaints against employees with the President 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 decision maker. 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 decision maker.

Subpart B. Effect of review. For employees represented by a collective bargaining agreement, an appeal under this procedure is separate and distinct from, and 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.

DESIGNATED OFFICER:

Kristi Lane, Chief Human Resources Officer, TRF Campus – Room 461D, (218-683-8631, EGF campus – Room 126.

The designated officer has the authority to delegate other college administrators to serve as designated officer for specific complaints provided the administrator has received investigator training conducted by the Minnesota State.

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.
Statewide ADA Reasonable Accommodation Policy
Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy

OBJECTIVE

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

State colleges/universities must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state colleges/universities must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Colleges/universities must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

**Applicant**- A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.
Americans with Disabilities Act (ADA) Coordinator- Each college is required to appoint an ADA coordinator or designee, depending on college size, to direct and coordinate college compliance with Title I of the ADA.

Direct Threat- A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job.

Essential Functions- Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee’s expertise.

Interactive Process- A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability- An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability- An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities- May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation- Information from the requestor’s treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type
of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider.

**Reasonable Accommodation** - An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.
- Modifications or adjustments may include, but are not limited to:
  - Providing materials in alternative formats like large print or Braille;
  - Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
  - Modifying work schedules or supervisory methods;
  - Granting breaks or providing leave;
  - Altering how or when job duties are performed;
  - Removing and/or substituting a marginal function;
  - Moving to a different office space;
  - Providing telework;
  - Making changes in workplace policies;
  - Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
  - Removing an architectural barrier, including reconfiguring work spaces;
  - Providing accessible parking;
  - Providing a sign language interpreter; or
  - Providing a reassignment to a vacant position.

**Reassignment** - Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.
Support Person- Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Undue Hardship- A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the college. A state college is not required to provide accommodations that would impose an undue hardship on the operation of the college.

Exclusions

N/A

Statutory References

- Rehabilitation Act of 1973, Title 29 USC 701
- Americans with Disabilities Act (1990)
- 29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act

GENERAL STANDARDS AND EXPECTATIONS

Individuals who may request a reasonable accommodation include:

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified college employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the college must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The college must abide by the Minnesota Government Data Practices Act, Chapter 13, in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

A college applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee’s chain of command;
• College Affirmative Action Officer/Designee;
• College ADA Coordinator;
• College Human Resources Office;
• Any college official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the college to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the college that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

College request forms can be found at: “Employee/Applicant Request for Reasonable Accommodation Form”.

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the college ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the college must make appropriate arrangements without requiring a request in advance of each occasion.
The interactive process entails

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the college to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at http://askjan.org/topics/interactive.htm). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the college. An individual may request that the college ADA Coordinator, a union representative, or support person be present.

The college ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

College responsibilities for processing the request

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

President

The President of the college or college head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The college ADA Coordinator is the college’s decision maker for reasonable accommodation requests for all types of requests outside of the supervisors’ and managers’ authority. The college ADA Coordinator will work with the supervisor and manager, and where necessary, with college Human Resources, to implement the approved reasonable accommodation.
Supervisors and Managers

Colleges/universities have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than $100. [Colleges/universities can adjust the dollar amount based on their needs]; and

Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Colleges/universities can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the college ADA Coordinator].

Analysis for processing requests

Before approving or denying a request for accommodation, the college decision maker with assistance from the college ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
   - Enable a qualified applicant with a disability to be considered for the position the individual desires;
   - Enable a qualified employee with a disability to perform the essential functions of the position; or
   - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the college; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the college’s operations.

An employee’s accommodation preference is always seriously considered, but the college is not obligated to provide the requestor’s accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining medical documentation in connection with a request for reasonable accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the college will not seek further medical documentation. If a requestor’s disability and/or need for reasonable accommodation are
not obvious or already known, the college ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The college ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or
- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, the college ADA Coordinator must make the request and use the Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider. The college ADA Coordinator must also obtain the requestor’s completed and signed Authorization for Release of Medical Information before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee’s responsibility to ensure that the college receives the requested medical information.

Only medical documentation specifically related to the employee’s request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the college may deny the reasonable accommodation request. Colleges/universities must not request medical records; medical records are not appropriate documentation and cannot be accepted. Supervisors and managers must not request medical information or documentation from an applicant or employee seeking an accommodation. Such a request will be made by the college ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the college ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the college ADA Coordinator.

The college ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:
• Supervisors, managers or college HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee’s duties. However, information about the employee’s medical condition should only be disclosed if strictly necessary, such as for safety reasons;

• First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;

• To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General’s Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or

• Government officials assigned to investigate college compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor’s supervisor and the college ADA Coordinator.

General Information

General summary information regarding an employee’s or applicant’s status as an individual with a disability may be collected by college equal opportunity officials to maintain records and evaluate and report on the college’s performance in hiring, retention, and processing reasonable accommodation requests.

Approval of requests for reasonable accommodation

As soon as the decision maker determines that a reasonable accommodation will be provided, the college ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the college ADA Coordinator.

Funding for reasonable accommodations

The college must specify how the college will pay for reasonable accommodations.
Procedures for reassignment as a reasonable accommodation

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

The college ADA Coordinator will work with college Human Resources staff and the requestor to identify appropriate vacant positions within the college for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the college will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the college consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

The college ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The college may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the college ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of undue hardship

An interactive process must occur prior to the college making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the college's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the college considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the college and the impact the accommodation will have on the operations of the college.
Colleges/universities may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the college will consult with the State ADA Coordinator at MMB.

Determining direct threat

The determination that an individual poses a “direct threat,” (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual’s disability. Instead, the college must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals process in the event of denial

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, colleges/universities must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an college official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information tracking and records retention

Colleges/universities must track reasonable accommodations requested and report once a year by September 1st to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Colleges/universities must retain reasonable accommodation documentation according to the college’s document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.
RESPONSIBILITIES

Colleges/universities are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state colleges/universities and maintain this policy.

Please review the following forms:

- Employee/Applicant Request for ADA Reasonable Accommodation
- Authorization of Release of Medical Information for ADA Reasonable Accommodations
- Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider

REFERENCES

- U.S. Equal Employment Opportunity Commission, Enforcement Guidance
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

The Genetic Information Nondiscrimination Act (GINA) of 2008 and M.S. 181.974 prohibit employers from using genetic information when making decisions regarding employment.

Minnesota Human Rights Act (MHRA) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation...
would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual’s disability prior to a conditional offer of employment.

The Family and Medical Leave Act is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

Executive Order 14-14, Providing for Increased Participation of Individuals with Disabilities in State Employment, directs colleges/universities to make efforts to hire more individuals with disabilities and report on progress.

CONTACTS

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us

Request for Reasonable Accommodation Form

Employee/Applicant Request for ADA Reasonable Accommodation Form

Northland Community and Technical College 2018-2020 Affirmative Action Plan
Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

A copy of the college’s weather and emergency evacuation plans can be found at:
http://www.northlandcollege.edu/emergency/

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

All persons have a responsibility to develop their own personal emergency evacuation plans; this includes persons with disabilities or persons who will need assistance during evacuation. The ADA Coordinator or designee in each college will work to develop a plan and consult the appropriate building and safety personnel. Work with your safety administrators to ensure an appropriate plan is in place and list the appropriate contacts in the affirmative action plan.

Supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, individuals should contact the college contact below to request the type of assistance they may need.

Cory Feller, Safety & Health Officer, 218-683-8595, cory.feller@northlandcollege.edu
Krisi Lane, Director of Human Resources/CHRO, 218-683-8631, Kristi.lane@northlandcollege.edu
Mike Curfman, TRF Campus Dean, 218-683-8565, mike.curfman@northlandcollege.edu
Mary Fontes, Dean of Student Affairs, 218-793-2460, mary.fontes@northlandcollege.edu
Brian Huschle, EGF Campus Dean, 218-793-2592, brian.huschle@northlandcollege.edu
Linnea Schluessler, Director of Academic Success Center, 218-793-8560, linnea.schluessler@northlandcollege.edu

Evacuation Options

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

- **Horizontal evacuation:** using building exits to the outside ground level or going into unaffected wings of multi-building complexes.

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

Mobility disabilities (Individuals who use wheelchairs or other personal mobility devices (“PMDs”))

Persons using wheelchairs should be accompanied to an Area of Rescue Assistance by an employee or Shelter in Place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify for the college safety personnel and Emergency responders how many individuals need assistance to safely evacuate.

Mobility disabilities (Individuals who do not use wheelchairs)

Persons with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the person with disability may choose to wait at the Area of Rescue Assistance until Emergency responders arrive to assist them.

Hearing Disabilities

The college’s buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for persons with who are deaf and/or hard of hearing. Persons with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.

Visual Disabilities

The college’s buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, persons with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options

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

- **Horizontal evacuation:** If located on the ground or basement floor, severe weather shelter areas are located throughout each floor.
- **Elevator evacuation**: If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels.

- **Shelter in Place**: Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.
Utilization Analysis Table
### Women

<table>
<thead>
<tr>
<th>Job Categories</th>
<th>Total Employees in Job Group</th>
<th>Total Number of Women in Group</th>
<th>% of Women in the Group</th>
<th>Availability</th>
<th>Availability Number</th>
<th>AAP 2018-2020 Number Underutilized</th>
<th>AAP 2018-2018 Underutilized</th>
<th>Improved, Not Improved, Same</th>
<th>Numerical Difference in the Two Plans</th>
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### Minorities

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<th>Improved, Not Improved, Same</th>
<th>Numerical Difference in the Two Plans</th>
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### Individuals with Disabilities

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### Veterans

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Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010), released in March of 2013. Statistics for individuals with disabilities and veterans are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).
Separation Analysis Tables
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<th>Total Percentage</th>
<th>Total Number of Women</th>
<th>Percentage of Women</th>
<th>Total Number of Minors</th>
<th>Percentage of Minors</th>
<th>Total Number of Indiv w/Disabilities</th>
<th>Percentage of Indiv w/Disabilities</th>
<th>Total Number of Veterans</th>
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