

# **AFFIRMATIVE ACTION PLAN**

## **2010-2012**

### **Northland Community and Technical College Campuses in**

**East Grand Forks  
Roseau**

**Thief River Falls  
Mahnomen**

**NCTC is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, or membership or activity in a local commission as defined by law.**

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## II. STATEMENT OF COMMITMENT BY COLLEGE PRESIDENT

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

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

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

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

I have designated Becky Lindseth and Academic and Student Services Dean's as the College's designated officers for purposes of investigating complaints of discrimination and harassment. Ms. Lindseth is accountable to the President and the Dean's are accountable to the Vice President of Academic and Student Affairs. Their respective position descriptions contain specific responsibilities regarding nondiscrimination.

I have designated Kristi Lane to serve as the Affirmative Action Officer. Ms. Lane's position description contains specific responsibilities regarding affirmative action and Ms. Lane is accountable to the Executive Director of Administrative Services. In addition, the College has a committee that meets throughout the academic year to address sexual harassment, affirmative action, cultural diversity, and disabilities. The Affirmative Action Plan will be available in the Human Resources department, College library, and from any member of the administrative leadership team.



Dr. Anne Temte, President  
Northland Community and Technical College

### III. AFFIRMATIVE ACTION PLAN TRANSMITTAL FORM

1. This annual review revealed underutilization of the following protected group(s) in the following goal units:

GOAL UNITS	WOMEN	MINORITIES	DISABLED
Officials and Managers	X	X	
Professionals	X	X	X
Technicians			
Paraprofessionals			X
Office/Clerical		X	X
Skilled Craft Worker			
Service/Maintenance	X	X	X

2. This annual plan contains an internal procedure for processing complaints of alleged discrimination and harassment and employees and students have been apprised of this procedure as well as Northland's affirmative action goals for this fiscal year.

*Kristi Lane*

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Kristi Lane, Affirmative Action Officer

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

*Anne K. Temte*

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Dr. Anne Temte, President

4. This annual plan meets the requirements governing affirmative action, Statutory Authority 43A, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

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Director of the Office of Diversity and  
Equal Opportunity, Minnesota Management & Budget

## IV. RESPONSIBILITY FOR IMPLEMENTATION

### President

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

1. Ensure that staffing and resources are committed to implement College and System policies in the area of nondiscrimination/affirmative action.
2. Appoint an affirmative action officer (AAO) to assist in carrying out established affirmation action responsibilities.
3. Incorporate into the position description of all administrators and supervisors a clear definition of their responsibilities in the area of nondiscrimination/affirmative action and include an evaluation of the performance of these responsibilities as part of the annual performance review process.
4. Name a committee responsible for making recommendations concerning sexual harassment/violence, affirmative action, cultural diversity, and disability programs, policies, and procedures for the College. The President shall ensure that underutilized class members are included on the committee and that committee members include representation from various constituencies within the College. The President shall appoint representatives to the committee based upon recommendations of the constituent groups.
5. Ensure that underutilized group members are included on respective committees throughout the College and that the various constituencies within the College are also represented.
6. Provide the MnSCU Chancellor with an annual summary of the College's accomplishment in meeting goals set during the previous year.

### Accountability

The President, Dr. Anne Temte, (218) 683-8610, is directly accountable to the Chancellor on all matters relating to equal opportunity and affirmative action at Northland Community and Technical College.

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

The Equal Opportunity/Affirmative Action Officer is responsible for the overall implementation and administration of Northland Community and Technical College's equal opportunity and affirmative action programs. To assist the President in carrying out nondiscrimination/affirmative action responsibilities, the Equal Opportunity/Affirmative Action Officer shall:

1. Ensure that the College is in compliance with Federal, State, and System laws, regulations and policies pertaining to nondiscrimination/affirmative action.
2. Develop, monitor, implement, and evaluate the College nondiscrimination/affirmative action programs, plans, and guidelines in conjunction with the College committee.
3. Monitor the search and selection process for all unclassified positions in accordance with established guidelines and procedures for recruitment.
4. Provide recommendations to appropriate members of the College community regarding nondiscrimination/affirmative action.
5. Prepare internal and external institutional reports on nondiscrimination/affirmative action efforts and accomplishments.
6. Coordinate and/or promote nondiscrimination/affirmative action training and education programs.
7. Serve as the College's ombudsperson and primary resource for employees and students on nondiscrimination/affirmative action laws, regulations, and procedures.
8. Review, investigate, and process complaints of race discrimination/harassment, sexual discrimination/sexual harassment, sexual violence, discrimination/harassment based on age, disability, color, creed, national origin, religion, sexual orientation, marital status, status with regard to public assistance or membership in a local commission.

### **Accountability**

The Equal Opportunity/Affirmative Action Officer, Kristi Lane (218) 683-8631, is directly accountable to the President for the overall implementation and administration of Northland Community and Technical College's equal opportunity and affirmative action programs.

### **MnSCU Administrators and Supervisors**

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

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

### **Accountability**

Accountability for MnSCU Administrators and Supervisors is reflected in the Northland Community and Technical College's organizational chart provided in the Appendix.

### **Director of Administrative Services**

In addition to the responsibilities described above for MnSCU Administrators and Supervisors, the Director of Administrative Services is also responsible as described below for classified and unclassified positions:

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

### **Accountability**

The Director of Administrative Services, Becky Lindseth (218) 793-2476, is accountable to the Northland Community and Technical College President.

## V. PROGRAMS AND PROGRAM OBJECTIVES

### **Goal 1: Maximize employment opportunities for protected class members.**

Objective: To use the affirmative action plan to determine where disparities exist and target those under-represented groups in the hiring process to actively recruit and retain culturally diverse employees to the college.

- Action:
- Advertise in publications that include circulation to underrepresented classes.
  - Individuals who serve on search committees will receive Search Committee Orientation.
  - Search committee members will use networking efforts to enhance the recruitment of qualified protected applicants.
  - Ensure protected class members are part of the semi-finalist pool.
  - Ensure protected class members are part of the finalist pool.

Action

Assigned To: Director of Administrative Services and College Search Committees

Target Date: Ongoing

### **Goal 2: Educate the College's employees on services available for students with disabilities.**

Objective: To support the College nondiscrimination policy.

Action: Present to new employees during New Employee Orientation on services and resources available for students.

Action

Assigned To: Dean Dalen and Ellen Brehmer

Target Date: Ongoing, as necessary.

### **Goal 3: Provide programs for employees and students to heighten their awareness and appreciation of cultural diversity.**

Objective: Create a positive climate throughout the college community through the Diversity Committee that is respectful of diversity.

Action: Activities will be scheduled for employees and students during the following:  
Black History Month  
Hispanic Heritage Month  
Women's History Month  
Native Images Month

Action  
Assigned To: Deans of Student Services, Director of Enrollment Management, Director of Multicultural Services, and Diversity Committee. Diversity committee meeting on monthly basis to address issues.

Target Date: Ongoing

**Goal 4: Educate new students on the College policy on nondiscrimination.**

Objective: To support the College nondiscrimination policy.

Action: During student orientation, students will receive information on the College policy on Nondiscrimination. The policy will be printed in the Student Handbook.

Action  
Assigned To: Dean of Student Services, Director of Enrollment Management, and Orientation Coordinators.

Target Date: Ongoing, as student orientation sessions are scheduled.

**Goal 5: Actively recruit minority prospective students and prospective students with disabilities for admission to occupational and liberal arts programs at the college.**

Objective To support the College nondiscrimination policy.

Action 1. The Director of Enrollment Management will seek to increase representation of protected class applicants into the occupational and liberal arts programs at the college. The Director of Multicultural Services and the recruiters will assist in these efforts. Recruitment efforts include attendance at College Fairs in Minneapolis, Chicago and Milwaukee to actively recruit minority students.

2. Continue to expand the Nursing Program at the White Earth Indian Reservation ; experienced overwhelming response since its inception.

Action  
Assigned To: Director of Enrollment Management, Director of Multicultural Services, Dean of Academic Affairs, and Director of Associate Degree Nursing.

Target Date Ongoing

**Goal 6: Retain culturally diverse students admitted to the college.**

Objective Enhance the feeling of belonging to the college community for minority students.

Action: 1. The President will host a luncheon with minority students at each campus and be available as an advocate and resource.  
2. Employ a retention specialist and a tutor for the White Earth Indian Reservation Nursing Program.  
3. Conduct cultural celebrations at the White Earth Indian Reservation Nursing Program.

Action  
Assigned To: Director of Multicultural Services, Director of Associate Degree Nursing and Director of

Employee Relations.

Target Date: Beginning of each fall and spring semester

**Goal 7: Provide diversity programming for employees to heighten their awareness and appreciation of diversity.**

Objective Continue to provide learning opportunities for employees through on-campus professional development series to heighten awareness and appreciation of cultural diversity. Provide opportunities for employees and students to foster self awareness and personal growth.

Action: 1. Dedicate one in-service annually to diversity development.  
•Employee meetings.  
2. Provide monthly lunch sessions on both campuses open to students and employees.

Action

Assigned To: Director of Administrative Services

Target Date: Ongoing during the 2010-2011 and 2011-2012 academic years.

**Goal 8: Maximize employment opportunities for protected class members.**

Objective Increase the number of protected class members that accept an invitation for an interview for college vacancies.

Action: Adopt search committee procedures that provide for expense reimbursement for candidates who interview for college vacancies.

Action

Assigned To: Director of Administrative Services

Target Date: July 2010 and Ongoing.



## VI. WORKFORCE ANALYSIS & AVAILABILITY

Utilization analysis by EEO4 Categories for Northland Community and Technical College as of fiscal year 2010.

### Utilization Analysis by EEO4 Categories – Minorities

EEO Job Group	Total Number in Group	Total Number of Minorities In Group	% Minorities in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Managers	12	0	0%	5.1	1	1
Professional	257	13	5.1%	8.0	21	8
Technicians	1	0	0%	6.8	0	0
Paraprofessionals	?	?	?	?	?	?
Office/Clerical	56	4	7.14	8.2	5	1
Skilled Craft Workers	2	0	0%	7.1	0	0
Service/Maintenance	17	1	6%	14.3	2	1

### Utilization Analysis by EEO4 Categories – Women

EEO Job Group	Total Number in Group	Total Number of Women In Group	% Women in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Managers	12	4	33%	37.8	5	1
Professional	257	132	51.4	53.8	138	6
Technicians	1	1	100%	63.1	1	0
Paraprofessionals	?	?	?	?	?	?
Office/Clerical	56	54	96.4	67.7	38	0
Skilled Craft Workers	2	0	0%	7.8	0	0
Service/Maintenance	17	2	11.8	43.6	7	5

### Utilization Analysis by EEO4 Categories – Disabled

EEO Job Group	Total Number in Group	Total Number of Disabled In Group	% Disabled in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Managers	12	1	8.33%	11.31	1	0
Professional	257	21	8.17	10.88	28	7
Technicians	1	0	0%	11.52	0	0
Paraprofessionals	?	?	?	10.86	?	?
Office/Clerical	56	1	1.79	11.56	6	5
Skilled Craft Workers	2	0	0%	11.55	0	0
Service/Maintenance	17	1	5.88	11.37	2	1

## Definitions based on Federal EEO-4 Categories

- A. **Officials and Managers**  
Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.
- B. **Professionals**  
Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: Personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, system analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, and kindred workers.
- C. **Technicians**  
Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers. Include in this category persons employed for the primary purpose of performing academic support, student service and institutional support activities and whose assignments would require either college graduation or experience of such kinds and amount as to provide a comparable background. Include employees such as librarians, accountants, personnel, counselors, systems analysis, coaches, lawyers, and pharmacists, for example.
- D. **Paraprofessionals**  
Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or expertise normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aids, children support workers, policy auxiliary welfare service aids, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.
- E. **Office/Clerical**  
Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

F. Skilled Craft Workers

Occupations in which workers perform jobs which required special manual skills and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

G. Service/Maintenance

Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers.

## VII. PRE-HIRE REVIEW PROCESS

### NORTHLAND COMMUNITY AND TECHNICAL COLLEGE Employee Selection Procedures

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1. 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.
2. 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.

3. The search committee will be chaired by the appropriate administrator/supervisor or the Director of Administrative Services 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 Director of Administrative Services may serve as a non-voting member of the committee as the Affirmative Action Officer.
4. 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.

5. The role of the search committee is to be a partner with the administration in filling the vacancy. Tasks may include a 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.

6. 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

7. 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).
8. Final candidates must be submitted in unranked order. The list is then sent 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.
9. 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.
10. The Employee Selection Procedures will not be implemented for emergency or temporary appointments.

## **VIII. AUDIT AND EVALUATION**

The Affirmative Action Plan for Northland Community and Technical College will be reviewed by the MnSCU Vice Chancellor for Equal Opportunity and Diversity.

The College Affirmative Action Officer will monitor the procedures to evaluate progress and ensure compliance with the nondiscriminatory policy and affirmative action.

Northland Community and Technical College will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans. Proposed lay-off decisions will be reviewed by the Equal Opportunity/Affirmative Action Officer to evaluate their effect on Northland Community and Technical College's Affirmative Action Goals and Timetables.

## IX. HIRING OBJECTIVES AND RECRUITMENT PLAN

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

The College's workforce has been reviewed to determine the utilization or underutilization of protected groups based upon data from May 2010. It is from this data that specific goals and action plans have been established. For this purpose, employees have been divided into the following EEO4 categories: Officials and Managers, Professionals, Paraprofessionals, Office/Clerical, Service Maintenance, and Skilled Craft. The College considers each new hiring opportunity as a way to achieve its overall objective of addressing the underutilization of protected groups within the workforce. For any new or anticipated vacancies occurring in the 2011-2013 biennial period, the College will set its affirmative action goals in keeping with the data, structure, and objectives reported in this Plan.

### **Recruitment Plan**

Northland Community and Technical College is fully committed to enhancing the College community. The most effective way of encouraging a diverse campus community is by recruiting the best-qualified candidates from the largest candidate pool possible. Every search is key to enhancing diversity at Northland Community and Technical College.

The principles of affirmative action and equal opportunity apply throughout the search, screening, and selection process. Only by aggressively seeking out qualified women, persons of color and persons with disabilities can we develop a workforce that properly resembles the diversity in our student body, and the communities which we serve. At all stages in the hiring process, all persons shall be treated with dignity and respect and provided with equal opportunity. In particular, appropriate accommodations will be offered throughout the hiring process to persons with disabilities.

It is important to develop search strategies to help enlarge the candidate pool. In fields where women and persons of color are scarce, the need for balanced faculty leads to tough competition in recruitment. Northland Community and Technical College knows that an important factor in succeeding in attracting underrepresented candidates is the long-term commitment by the College and a supportive environment.

The College is required by federal law to biennially review its work force and identify areas where the representation of women, persons of color, and persons with disabilities are lower than expected relative to their members in the job group and other relevant labor forces (underutilization). The college is required to document extra efforts taken to correct imbalance and to assure full representation in the candidate pool of applicants. Before each search it will be determined whether underutilization exists.

Searches are required for most permanent full-time positions. Occasionally, full-time positions are filled through conversion of employment status or bargaining unit status. The category of Officials and Managers should be filled

through national recruiting. Generally the category of Professionals is filled through statewide recruiting, that is occasionally expanded to the national recruitment level.

The candidate pool needs to be as diverse as possible. This can be accomplished by developing an aggressive and effective recruitment plan. The aggressive search that employs innovative methods and hard working efforts will produce a highly qualified candidate pool. Although advertisements are used, they are not the most effective or the only way to assure a diverse pool of applicants. Contacting administrators, faculty members and professionals of other institutions about the search may help. Networking will get the word out and enlarge the applicant pool.

To date during fiscal year 2010, Northland Community and Technical College incurred advertising expenses in excess of \$19,950. The College formally advertised with the following:

* AIR (Institutional Research Online Advertising Site)
* American Association of Community Colleges
* American Veterans Employment Journal
* Bemidji Pioneer
* Bismarck Tribune
* Chronicle of Higher Education
* Crookston Daily Times
* Minnesota Management and Budget-Vacancy Builder
* Duluth Times
* Equal Opportunity Employment Journal
* Fargo Forum
* Fargo Has Jobs Website/AIM Institute
* Grand Forks Herald
* Higher Ed Jobs
* Indian Country
* Roseau Times Region
* Star Tribune
* Thief River Falls Northern Watch
* Thief River Falls Times

Other methods of recruitment included placement on the Northland web page, placement on the MnSCU web page, and the Minnesota Workforce Center website. Due to the time and cost factor, no job fairs were attended. The College has expanded its recruiting efforts to on-line advertising sources with some success. The on-line sources have included Monster.com and Job Dig. These recruitment efforts typically result in a minimal number of applications from protected class candidates.

Other recruiting strategies during the plan years will include:

- Paid advertising on a regional and national level including publications that target potential applicants from protected groups.
- Encouragement of current employees that serve as members of various search committees to make referrals when vacancies become available.
- Expansion of recruitment of persons with disabilities by sending vacancy announcements to organizations such as State Council on Disabilities, Minneapolis Rehabilitation Center and Courage Center and use of the University of Minnesota Disability Services Careers On-Line.

The majority of college hiring opportunities for fall of fiscal year 2010 have been completed. The college anticipates opportunities to hire during the remainder of the 2010-2011 fiscal year in the following areas:

Officials and Managers	2 vacancies
Professionals	4 vacancies
Technicians	2 vacancies
Paraprofessionals	2 vacancies
Skilled Craft	1 vacancy

Goal 1: The goal is to fill two Professionals vacancies with members from a protected group.

Goal 2: The goal is to fill two Paraprofessionals with members from a protected group.

Goal 3: The goal is to fill one Officials/Managers vacancy with a member from a protected group.

Goal 4: The goal is to fill one Technician vacancy with a member from a protected group.

The college projects opportunities to hire during the 2011-2012 fiscal year in the following areas:

Officials and Managers	1 vacancy
Professionals	1 vacancy
Paraprofessionals	1 vacancy
Office/Clerical	1 vacancy

Goal 1: The goal is to fill positions from within the protected groups; however, due to the economic situation, it is unlikely that we will be fulfilling many vacancies within the institution.

## X. ROSTER OF COLLEGE DIVERSITY COMMITTEE

Northland Community and Technical College has a Diversity Committee that meets throughout the academic year. The membership of the 2010-2011 Diversity Committee is:

Aliza Olson – Chair  
Eugene Klinke  
Jason Pangiarella  
Kristi Lane  
Derek Murph - Student  
Steve Crittenden  
Mary Fontes  
Shannon Nelson  
Nicolas Thompson  
Rocky Ammerman  
Pat Balstad  
Peggy Rogers  
Sue Field

## XI. EMERGENCY CLOSINGS

### EMERGENCY CLOSING OR CANCELLATIONS PROCEDURE

#### I. PURPOSE:

In accordance with MnSCU Policy 4.4, the following procedure is followed when it becomes necessary to close the college campuses or cancel academic or nonacademic activities, or delay the opening of the college due to inclement weather or other emergency conditions. This procedure will also describe working conditions and the compensation status of employees during the time the college is closed.

#### II. DEFINITIONS:

A. **Closing the College:** This means to close all operations other than those operations deemed essential to the protection of life and property. Closing the college results in the cancellation of classes, student, faculty and staff activities, and meetings. All general offices are closed.

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

C. **Cancellation of Classes and/or Activities:** Cancellation of classes (off-campus or on-campus) means to cancel one, several, or all classes, in the absence of officially closing the entire college campus. Cancellation of non-academic activities refers to cancellation of an event such as athletic events, theatrical productions, concerts, or workshops.

#### PROCEDURES

**Assessment:** If a weather emergency situation develops, college officials will contact local authorities, including the Minnesota State Highway Patrol and other law enforcement offices to assess the severity of the storm. Once the information has been collected, the president or president's designee will make the determination on whether to cancel classes or to close the college.

#### **Cancellation of Classes Due to Weather or Other Emergency:**

The authority to cancel classes due to weather conditions or other emergencies resides with the college president or the president's designee.

**Support Staff:** If a staff member chooses to be absent from work, they must take vacation leave or use earned compensatory time when classes are canceled.

**Faculty:** Faculty members are expected to make appropriate curricular adjustments or duty adjustments, per MSCF contract.

#### **Campus Closing due to Weather or Other Emergency:**

The authority to close the college campus when a weather or other emergency exists resides with the president or the president's designee. The closure of state agencies by the Commissioner of the Minnesota Management and Budget does not apply to MnSCU institutions. When a college **closing** is declared, all employees except weather essential employees are excused from work with pay. A college closure applies to all employees, without regard to labor contracts. However, the essential emergency employees who are not excused from work will be paid at their regular rate of pay. A declaration of a college closure will clearly identify the time frame when employees are excused from work. Employees are instructed to listen to radio and television stations when storms or emergency situations might carry over from one day into two or more days.

**WEATHER ESSENTIAL EMPLOYEES:** The following positions are identified as weather essential employees who will not be excused from work duty during campus closings: Physical Plant Supervisor, Building Maintenance Foreman, Steam Boiler Attendant, General Maintenance Worker, General Repair Worker, Electrician, and Groundskeeper.

**NOTIFICATION OF CANCELLATIONS OR CLOSINGS:**

The president or designee will notify radio and television stations identified in this procedure. The message given to these stations will indicate whether it is a cancellation or closure. Employees then must follow the state policies regarding cancellation or closure. Whenever possible, decisions to cancel day classes will be made by approximately 6:00 a.m., and decisions to cancel night classes or activities will be made by 3 p.m. In certain emergencies, an effort will be made to announce closures or cancellations prior to the 10 p.m. television newscasts.

The college recognizes the special needs of people with hearing impairments during the notification process of all employees and students due to closing or cancellation. It is the intent of the college to establish an individualized method of notification for each person with a hearing impairment. Each means of communication will be established after conferring with the involved employee and/or student and ascertaining the unique situation and needs. That process will be provided to the employee and/or student and their supervisor in writing.

In the event of campus closure or class cancellation for any emergency situation, the president or designee will notify the MnSCU Public Affairs office. The list of local and regional radio and television stations that will be contacted are:

**Call Letters Location Station Dial**

KTRF Thief River Falls 1230 AM

KSNR EGF/TRF 100.3 FM

KKAQ Thief River Falls 1460 AM

KKDQ Thief River Falls 99.3 FM

KKCQ Fosston 1480 AM/ 107.1 FM

KSRQ NCTC 90.1 FM

KRWB Roseau 1410 AM

KCAJ Roseau 102 FM

KJKJ Grand Forks 107.5 FM

KNOX Grand Forks 1310 AM & 94.7 FM

KROX Crookston 1260 AM

KKWQ Warroad 92.5 FM

KYCK Grand Forks 97.1 FM

KCNN Grand Forks 1590 AM

KQHT Grand Forks 96.1 FM

KKXL Grand Forks 1440 AM

KZLT Grand Forks 104.3 FM

KVLY Fargo Channel 11

WDAZ Gr. Fks/Devils Lake Channel 8

KXJB Grand Forks/Fargo Channel 4

Local Cable Thief River Falls Channel 3 & 13

**Other Emergency Conditions**

Other emergencies covered by this procedure would include such things as: fire, tornado, bomb threats, other serious problems related to mechanical or electrical systems, or any other extremely hazardous situation in or around the campus.

## **XII. DISSEMINATION OF AFFIRMATIVE ACTION PLAN AND NONDISCRIMINATION POLICY**

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

### **Internal Dissemination**

1. The Nondiscrimination Policy is printed in the current Student Handbook.
2. Orientation programs for students include a discussion of the various forms of discrimination.
3. Information is presented to employees at various monthly staff updates and pre-service on equality, nondiscrimination, harassment and ADA on a regular basis.
4. Copies of the complete Affirmative Action Plan will be distributed to the MnSCU State Office, Minnesota Management and Budget, the President, MnSCU Administrators, supervisors, representatives of the various bargaining units, the Student Senate, the Diversity Committee, the Human Resources Department and the college libraries.
5. Posters prohibiting sexual harassment/violence and the name, phone number and location of person to contact for assistance are located on bulletin boards on each campus.
6. Human Resources Department will make available copies of the Affirmative Action Plan to all employees and students upon request.
7. At the beginning of fall and spring semester a notice will be placed in the Pioneer Weekly Bulletin that the Affirmative Action Plan is available in the Human Resources Department.
8. The Affirmative Action Plan shall be included on Northland Community and Technical College's website.

### **External Dissemination**

1. All job announcements, vacancy notices, website home page, letterhead and other educational or employment related materials shall identify Northland Community and Technical College as An Affirmative Action/Equal Opportunity Employer and Educator.
2. Make available copies of the Affirmative action Plan to all interested parties.
3. Information on Northland Community and Technical College's Affirmative Action Program and Plan shall be made available to all external constituents.
4. The Affirmative Action Plan shall be included on Northland Community and Technical College's website.

## **XIII. COMPLAINT PROCEDURES**

### **Non-Discrimination in Employment and Education Opportunity Procedure**

NCTC hereby adopts MnSCU 1B.1.1 Procedure in full:

#### Part 1. Procedure objective.

This procedure is designed to further implement Minnesota State Colleges and Universities policies relating to non-discrimination by providing a process through which individuals alleging violation of system non-discrimination policies may pursue a complaint. This includes allegations of discrimination or harassment based on sex, race, age, disability, color, creed, national origin, religion, sexual orientation, marital status, status with regard to public assistance or membership or activity in a local commission. This procedure is not applicable to allegations of sexual violence which should be handled under appropriate system and college or university policies and procedures.

A single act of discrimination 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.

This procedure shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including its students, employees, and applicants for employment, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation/reprisal. Individuals who violate this procedure shall be subject to disciplinary or other corrective action.

Not every act that may be offensive to an individual or group constitutes discrimination or harassment. In determining whether discrimination or harassment has occurred, the totality of the circumstances surrounding the incident must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom and advocacy.

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. Discrimination and harassment are not within the protections of academic freedom.

#### Part 2. Definitions.

Subpart A. Designated officer. A designated officer is an individual designated by the president or chancellor to be primarily responsible for investigating or coordinating the investigation of reports and complaints of discrimination/harassment in accordance with this procedure. Designated officers may include individuals in the affirmative action or equity office, the campus security office, the student affairs or student life office, academic or administrative offices of the system office, college, or university. The president or chancellor may designate other individuals to assume the role of the designated officer as deemed necessary.

Designated officers must attend investigator training conducted by the Office of the Chancellor.

Subpart B. Decision-making authority. A decision-maker is an individual designated by the president or chancellor to review investigative reports, to make findings whether the discrimination/harassment policies have been violated based upon the investigation and other measures deemed necessary to reach a decision, and to determine the appropriate action for the institution to take based upon the findings. The decision-maker shall be a top level administrator such as a college or university vice president, dean or provost. At the system office, the decision-maker shall be a top level administrator such as a chancellor, vice chancellor, associate vice chancellor or other appropriate system office personnel. The president or chancellor may designate other individuals to assume the role of the decision-maker as deemed necessary.

Designated decision-makers for complaints under this procedure, including presidents, must attend decision-maker training conducted by the Office of the Chancellor.

### Part 3. Reporting incidents of discrimination/harassment.

Subpart A. Reporting an incident. The system office, colleges, and universities encourage any individual, including any student, employee, applicant for employment, or person eligible for employment (as defined by Minnesota Statutes section 43A.02), who feels she or he has been or is being subjected to discrimination/harassment to report the incident to the designated officer. Any student, faculty member or employee who knows of, receives information about or receives a complaint of discrimination/harassment is urged to report the information or complaint to the designated officer of the system office, college, or university.

Subpart B. Personal resolution. In instances where an individual believes she/he personally has been subjected to behavior prohibited by the 1B.1 Non-discrimination policy, that individual may voluntarily choose to directly address the offensive behavior. In such a situation, she or he should clearly explain to the alleged offender as soon as possible after the incident that the behavior is objectionable and that it stop. Communication with the alleged offender may be in person, on the telephone, or in writing. If the behavior does not stop or if the individual believes some employment or education consequences may result from the discussion, she or he should go to the designated officer to process the complaint. Under no circumstances shall an individual be required to use personal resolution to address prohibited behaviors rather than reporting the behavior to the designated officer.

Subpart C. Duty to report. Unless the matter already has been referred to the designated officer, administrators and supervisors must inquire into allegations or behaviors that they reasonably believe may constitute discrimination or harassment and, when a report/complaint appears to be warranted, refer the matter to the designated officer. The duty to report shall not be construed to prevent immediate corrective action by an administrator or supervisor when appropriate.

### Subpart D. Institutional responsibility.

1. Colleges and universities. This procedure applies to all members of the educational community including students. Reports/complaints against a president of a college or university shall be filed with the system office. 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. Reports and complaints against college or university vice presidents, deans, or provosts are filed at the campus level with the president or the president's designee as decisionmaker.
2. System office. For reports/complaints which 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 which 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 office personnel or outside investigatory assistance may be designated.

Subpart E. Retaliation and reprisal. No retaliation, reprisal or intimidation in conjunction with a complaint of discrimination/harassment shall be tolerated by the system office, colleges, and universities. State law prohibits reprisal by a respondent, employer, labor organization, educational institution, employee, agent of the above, and others as specified in statute. (Minnesota Statutes section 363.03). Any individual who retaliates against any person who testifies, assists, or participates in an investigation, proceeding or hearing in relation to a discrimination/harassment complaint shall be subject to disciplinary or other action.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, coercion, discrimination, harassment, or unwanted sexual contact toward a complainant, or the complainant's relatives, friends or associates. Retaliation may occur whether or not there is a power or authority differential between the individuals involved. Reprisal also includes discrimination against an individual because that person is associated with a protected group member. Allegations of retaliation or reprisal shall be reported to the designated officer for appropriate action.

Subpart F. False statements prohibited. Any individual who provides false statements regarding the filing of a discrimination report/complaint or during the investigation of such a report/complaint may be subject to disciplinary or corrective action.

Subpart G. Withdrawn Complaints. If a complainant no longer desires to pursue a complaint, the system office, colleges, and universities reserve the right to investigate and resolve the complaint.

#### Part 4. 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 5. Investigation and resolution.

The system office, college or university has an affirmative duty to take timely and appropriate action to stop inappropriate behavior, conduct investigations and facilitate resolutions as appropriate.

Subpart A. Making a report/complaint. The designated officer must be contacted in order to initiate a report/complaint. The report/complaint should be brought as soon as possible after an incident occurs. The designated officer shall retain control of the investigatory process and determine whether and/or how to proceed.

Subpart B. Initial inquiry and review process. After receiving a report/complaint, the designated officer shall take the steps listed below:

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. If the designated officer determines that the report/complaint falls within the scope of the institution's nondiscrimination policies and this procedure, the designated officer shall first determine who will conduct the complaint process. The designated officer should identify to the president or chancellor any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the president 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 nondiscrimination policy;
  - b.) provide a copy of the policy and the report/complaint procedure to the complainant;
  - c.) advise the complainant of other options such as alternative dispute resolution or mediation and that the complainant may also choose to pursue other legal options; and
  - d.) determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement.
4. Complaint Form. The designated officer shall insure that the complaint is documented in writing on the complaint form available from system office, college, or university authorities. The complaint form must include:
  - a.) a detailed description of the facts upon which the charge is based;
  - b.) name(s) of the respondent(s), if known;
  - c.) a list of possible witnesses as deemed appropriate by the designated officer; and
  - d.) other information pertinent to the complaint.At the conclusion of the process, the final disposition of the complaint shall be included on the complaint form.
5. Information provided to the respondent. At the time initial contact is made with the respondent, the designated officer shall:
  - a.) inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy;
  - b.) provide a copy of the policy and the report/complaint procedure to the respondent;
  - c.) advise the respondent of other options such as alternative dispute resolution or mediation;
  - d.) explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations; and
  - e.) determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement.
6. Processing the complaint. The designated officer shall:
  - a.) conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
  - b.) investigate the complaint without identifying the complainant, if in the judgment of the designated officer; this would increase the likelihood of satisfactory resolution of the complaint;
  - c.) inform the complainant, respondent, witnesses and other involved individuals of the prohibition against retaliation and reprisal;
  - d.) create, gather and maintain investigative documentation as appropriate;
  - e.) disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice (Tennessee warning) in accordance with state law; and
  - f.) inform the complainant and respondent of the status of the investigation at reasonable times until final disposition of the complaint.

Subpart C. Initial inquiry and informal resolution. After conducting an initial inquiry and review, if the designated officer determines that the issue can be resolved without further investigation, the designated officer may use one or more of the following methods to resolve the complaint:

1. suggest counseling or sensitivity training;
2. conduct training for the unit, division, or department, calling attention to the consequences of engaging in such behavior;
3. facilitate meetings between the parties;
4. separate the parties, after consultation with appropriate system office, college or university personnel;
5. prepare a written letter of agreement confirming that the respondent has been informed of the policy and complaint procedure, identifying and documenting the respondent's acceptance of the designated officer's resolution of the complaint, and stating that retaliation is prohibited;
6. other possible outcomes may include explicit agreements about future conduct, a letter of apology to the complainant, changes in workplace assignments, enrollment in a different course or program, or other appropriate action.

Subpart D. Investigation and decision process. If the above methods do not resolve 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.) conduct further investigation as deemed appropriate by the designated officer;
  - b.) prepare an investigation report for review by the decision-maker;
  - c.) take additional investigative measures as requested by the decision-maker;
  - d.) 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; and
  - e.) provide the investigation report to the complainant or respondent upon request unless the information is protected under state or federal law.
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, at the discretion of the decision-maker, prior to making the decision. Additional steps may include:
    1. a request that the designated officer take additional 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. Other employees may be accompanied by an attorney or other support person at the discretion of the decision-maker;
    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 reach a decision;
  - c.) when making the decision, take into account the surrounding circumstances, the nature 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 resource or supervisory personnel to determine appropriate discipline;
  - e.) report in writing to the complainant, respondent and the designated officer her or his findings as to whether or not the nondiscrimination policy has been violated. The written answer to the complainant shall be provided within 60 days after a complaint is made unless reasonable cause for delay exists.

Subpart E. Confidentiality. Confidentiality cannot be guaranteed; however, care will be taken to keep investigation discussions sufficiently broad to protect the complainant's identity when appropriate. There may be instances in which the system office, college, or university has a responsibility to act even if the complainant requests that no action be taken. In such instances, the system office, college or university may investigate and take appropriate action on the basis of the facts or evidence available.

Subpart F. Investigative data. Information gathered during the investigation will be handled in accordance with federal and state data privacy laws.

Subpart G. Other remedies.

1. Reassignment or administrative leave. Under appropriate circumstances, the president or chancellor may 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.
2. Summary suspension or other action. Under appropriate circumstances, the president or designee may impose on a student a summary suspension or other temporary measures at any point in time during the report/complaint process. A summary suspension may be imposed when, in the judgment of the president or designee, the accused student's presence on the college or university campus would constitute a threat to the safety and well-being of members of the campus community. Before implementing the summary suspension, the accused student shall be given notice of the intention to impose the summary suspension and, except in an emergency, shall be given an opportunity to present oral or written arguments against the imposition of the suspension. 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 administrator. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.
3. Alternative dispute resolution and mediation. The system office, colleges, and universities, in consultation with the system Office of Equal Opportunity and Diversity, may use alternative dispute resolution or mediation services as a method of resolving discrimination/harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint.

Part 6. 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 shall follow up as appropriate to ensure that the corrective action is effective. Complainants are encouraged to report any recurrences of conduct which were found to violate the system non-discrimination policies. The decision-maker shall notify the complainant and respondent in writing of the final disposition of the complaint. 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.

Part 7. Appeal.

Subpart A. Filing an appeal. The complainant and 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 is not in any way related to, any contractual protections or procedures. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

Subpart C. Appeal process. The president or designee shall review the record provided and determine whether the complaint is substantiated or not substantiated. 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 will be made within a reasonable time and the complainant, respondent and designated officer shall be notified in writing of the decision. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

#### Part 8. Education and training.

The system office, colleges and universities shall provide education and training programs to promote awareness and prevent discrimination/harassment, such as education seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, and informational material development and distribution. Education and training programs should include education about the system office, colleges and universities nondiscrimination policies as well as conducting investigations, management and implementation of this procedure.

#### Part 9. Dissemination of report/complaint procedure.

Information regarding this procedure and the system office, college or university nondiscrimination policies must be provided to each student during student registration and each employee on acceptance of employment. Copies of the policies 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 websites or other appropriate public announcements.

#### CAMPUS REPORTING OFFICES

East Grand Forks Mary Fontes, Dean of Student Affairs at (218) 793-2460

Thief River Falls Steve Crittenden, Dean of Student Development at (218) 683-8565

#### Part 10. Maintenance of report/complaint procedure documentation.

During and upon the completion of the complaint process, the complaint file shall be repositied in a secure location in the office of the designated officer for the system office, college or university. 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. Designated officers are required to report investigative data concerning investigations under Board policy 1B.1 to the Office of the Chancellor on a quarterly basis.

## XIV. NONDISCRIMINATION IN EMPLOYMENT AND EDUCATION OPPORTUNITY POLICY

### **Nondiscrimination in Employment and Education Opportunity**

NCTC hereby adopts MnSCU 1B.1 Board Policy in full, as NCTC Policy:

#### **1B.1 Nondiscrimination in Employment and Education Opportunity**

Minnesota State Colleges and Universities is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, or membership or activity in a local commission as defined by law.

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

This policy is directed at verbal and physical conduct that constitutes discrimination/harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, MnSCU will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. The system office, colleges and universities shall develop and implement a complaint process to review complaints of discrimination/harassment or sexual violence. This policy supersedes all existing system, college, and university nondiscrimination policies.

### **RACIAL DISCRIMINATION/HARASSMENT**

#### **Part 1. Definitions.**

**Subpart A. Racial discrimination** is prohibited by state and federal law. Racial discrimination is defined as conduct that is directed at an individual because of his/her race, color, or national origin or that of his/her spouse 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 B. Racial harassment** is a form of race discrimination which is prohibited by state and federal law. Racial harassment is defined as verbal or physical conduct that is directed at an individual because of his/her race, color, or national origin or that of his/her spouse and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment. Racial 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 other persons having business at or visiting the educational environment.

## SEX DISCRIMINATION/HARASSMENT AND VIOLENCE

### Part 2. Definitions.

**Subpart A. Sex discrimination** is prohibited by state and federal law. Sex discrimination is defined as conduct that is directed at an individual because of his/her gender or that of his/her spouse and that subjects the individual to different treatment 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 B. Sexual harassment** is a form of sex discrimination which is prohibited by state and federal law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college or university; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college or university; or
3. Such conduct has the purpose 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.

Sexual harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student to student, employee to employee, and other persons having business with or visiting the educational environment. Sexual harassment may occur when it is directed at members of the opposite gender or when it is directed at members of the same gender. It includes, but is not limited to:

- unwelcome pressure for sexual activity;
- unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact; physical contact may be appropriate, if necessary to restrain individuals to avoid physical harm to persons or property;
- demands for sexual favors or promises of preferential treatment with regard to an individual's employment or educational status accompanied by implied or overt threats concerning an individual's employment or educational status; or
- unwelcome behavior or words of a sexual nature directed at an individual because of gender.

**Subpart C. Sexual violence:** Acts of sexual violence are criminal behaviors and create an environment contrary to the goals and missions of the system and colleges and universities. Acts of sexual violence include:

1. Forcible acts, which include non-consensual sexual contact, and/or sexual contact in which the victim is incapable of giving consent (such as when the complainant is under the influence of alcohol or drugs);
2. Nonforcible sex acts such as incest and statutory rape; and
3. The threat of an act of sexual violence. Sexual violence may include, but is not limited to:
  - touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
  - coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
  - coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;or

- threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

**Subpart D. 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 State Statute 626.556](#) (reporting of maltreatment of minors) and [Minnesota State Statute 626.557](#) (Vulnerable Adult Protection Act). Nothing in this policy will prohibit the system office or any college or university from taking immediate action to protect victims of alleged sexual abuse.

**Subpart E. Nonconsensual Relationships.** Substantial risks are involved even in seemingly consensual romantic/sexual relationships where a power differential exists between the involved parties. The respect and trust accorded a faculty member or other employee by a student, as well as the power exercised by faculty in giving grades, advice, praise, recommendations, opportunities for further study or other forms of advancement may greatly diminish the student's actual freedom of choice concerning the relationship. Similarly, the authority of the supervisor to hire, fire, evaluate performance, reward, make recommendations, assign and oversee the work activities of employees may interfere with the employee's ability to choose freely in the relationship. Further, it is inherently risky where age, background, stature, credentials or other characteristics contribute to the perception that a power differential exists between the involved parties which limits the student or employee's ability to make informed choices about the relationship.

Claims of a consensual romantic/sexual relationship will not protect individuals from sexual harassment charges nor guarantee a successful defense if charges are made. It is the faculty member, supervisor or staff who will bear the burden of accountability because of his/her special power and responsibility, and it may be exceedingly difficult to use mutual consent as a defense. Therefore, all employees should be aware of the risks involved in entering into a romantic/sexual relationship where there is a superior/subordinate relationship.

## **SEXUAL ORIENTATION DISCRIMINATION/HARASSMENT**

### **Part 3. Definitions.**

**Subpart A. Sexual orientation discrimination** is prohibited by state law. Sexual orientation discrimination is defined as conduct that is directed at an individual because of his/her sexual orientation 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, colleges and universities or otherwise adversely affects the individual's employment or education.

**Subpart B. Sexual orientation harassment** is a form of sexual orientation discrimination which is prohibited by state law. Sexual orientation harassment is defined as verbal or physical conduct that is directed at an individual because of his/her sexual orientation and that is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile work or educational environment. Sexual orientation 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 other persons having business at or visiting the educational environment.

## **DISABILITY DISCRIMINATION/HARASSMENT**

### **Part 4. Definitions.**

**Subpart A. Disability discrimination** is prohibited by state and federal law. Disability discrimination as defined by law is conduct that is directed at an individual because of his/her mental/physical disability or that of his/her spouse and that subjects the individual to different treatment by agents or employees without legitimate non-discriminatory reason 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 B. Disability harassment** is a form of discrimination which is prohibited by state and federal law. Disability harassment is defined as verbal or physical conduct that is directed at an individual because of his/her mental/physical disability or that of his/her spouse and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment. Disability 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 other persons having business at or visiting the educational environment.

## XV. SEXUAL VIOLENCE POLICY

Northland Community and Technical College hereby adopts MnSCU 1B.3 Sexual Violence Policy in full:

### Sexual Violence Policy

#### Part 1. Policy statement.

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

**Subpart A. Application of policy to students, employees, and others.** This policy applies to all Minnesota State Colleges and Universities students and employees and to others, as appropriate, where alleged incidents of sexual violence have occurred on System property. Incidents of sexual violence alleged to have been committed by a student at a location other than on System property are covered by this policy pursuant to the factors listed in Minnesota State Colleges and Universities Board Policy 3.6, Part 5. Incidents of sexual violence alleged to have been committed by a Minnesota State Colleges and Universities employee at a location other than System property are covered by this policy.

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

Allegations of discrimination or harassment are governed by Board Policy 1B.1.

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

#### Part 2. Definitions.

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

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

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

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as “date rape” or “acquaintance rape.” This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
2. Involvement in any sexual act when the victim is unable to give consent.
3. The intentional touching or coercing, forcing, or attempting to coerce or force another to touch an unwilling person’s intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

**Subpart C. Consent.** Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, and the condition was known or would be known to a reasonable person, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

**Subpart D. Non-forcible sex acts.** Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

**Subpart E. System property.** “System property” means the facilities and land owned, leased, or under the primary control of Minnesota State Colleges and Universities, its Board of Trustees, Office of the Chancellor, colleges and universities.

**Subpart F. Employee.** “Employee” means any individual employed by Minnesota State Colleges and Universities, its colleges and universities and Office of the Chancellor, including student workers.

**Subpart G. Student.** “Student” means an individual who is:

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

## **XVI. SUPPORTED EMPLOYMENT**

Northland Community and Technical College is committed to assisting the employer, the State of Minnesota, to comply with the 1992 legislature language added to M.S. 43A.191 that states:

(D) The agency plan must identify, annually, any positions in the agency that can be used for supported employment as defined in section 268.01, subdivision 13, of persons with severe disabilities. The agency shall report this information to the commissioner. An agency that hires more than one supported worker in the identified positions must receive recognition for each supported worker toward meeting the agency's affirmative action goals and objectives.

As classified vacancies occur, the essential functions of the position will be identified to determine if participation in the supported work program is feasible. As positions become vacant, hiring supervisors and the Director of Administrative Services will review job tasks and determine if they might be performed by a supported employment worker.

As positions at Northland are identified that can be used for supported employment, we will work with those agencies/services who may be able to assist us in finding candidates for the supported work program, including the ADA/Disability Coordinator of the Office of Diversity and Equal Opportunity.

The College has not had a situation where supported employment was necessary. Northland will look at current positions to determine the need for supported workers and work with the State ADA/Disability Coordinator to make that determination.

The College has a working relationship with representatives of the Private Industry Council/Job Training Partnership Act that deal with supported employment for students and could for college employees, if the need arose. In addition, the college has a working relationship with the Division of Rehabilitation Services for students that could be used for employees needing supported employment. The college also has a working relationship with Job Services in a One Stop Shop setting that could be used in the event that supported employment were needed for a college employee.

## **XVII. REASONABLE ACCOMMODATIONS POLICY**

Purpose: It is the policy of Northland Community and Technical College to encourage the employment and promotion of any qualified person, including persons with disabilities. The MnSCU system office and colleges and universities will provide reasonable accommodation directly related to performing the essential functions of a job or competing for a job on the basis of qualifications, without regard to a person's disability.

Each MnSCU college and university shall develop procedures, practices and standards to carry out the intent and spirit of the Americans with Disability Act of 1990 consistent with the following principles.

1. Reasonable accommodations will not be provided for non-job related personal needs of individuals, even though the individual may be disabled. In such cases questions may arise as to whether the accommodation is personal or job-related. The primary factor in evaluating an accommodation's job relatedness is whether the accommodation specifically assists the person in daily activities, on and off the job. In the latter case, a reasonable accommodation is not required.
2. If NCTC denies employment or advancement in employment based on an individual with a disability's inability to perform and declines to make reasonable accommodations to the employee with a disability or job applicant with a disability to enable the individual to perform the essential functions of the job, it must be demonstrated that: a) the accommodation would impose an undue hardship on the MnSCU system office, colleges and universities; b) the accommodation does not overcome the effects of the person's disability which allows that person to perform the essential job functions; or c) the person with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job.
3. Transportation to and from work is the responsibility of the employee with a disability. NCTC will not provide transportation to and from work as part of reasonable accommodation.
4. Each MnSCU college and university is responsible for establishing a procedure for employees with disabilities to make requests for reasonable accommodations. Such a procedure, at a minimum, must include the following:
  - a. MnSCU policy statement and definitions.
  - b. Assignment and identification of staff responsible for administering reasonable accommodations. The responsible person at NCTC in determining reasonable accommodations for employees, applicants, and the general public is the Becky Lindseth, Director of Administrative Services. Dean Dalen, Director of the Learning Center, is the ADA Coordinator for students on the Thief River Falls campus. Ellen Brehmer is the ADA Coordinator for students on the East Grand Forks campus.
  - c. Where a college or university determines it cannot provide reasonable accommodation due, in part, to financial considerations, the college/university shall consult with the system office prior to a final determination.
  - d. Provide a process for appealing a denial of a request for reasonable accommodations.

## **Definitions:**

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

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

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

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

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

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

## **Providing Reasonable Accommodations:**

Northland Community and Technical College uses a checklist to initially process the request for reasonable accommodation.

1. Determine if the applicant/employee has a qualified disability.
2. Determine if the applicant/employee is qualified to perform the essential functions of the job without an accommodation.
3. Determine if there is a reasonable accommodation that can be made so that the applicant/employee can perform the job.

4. Determine if the reasonable accommodation is feasible or would cause an undue hardship to the college operations.

The following are samples of the accommodations provided to potential, new or existing employees:

1. Acquiring or modifying equipment or assistive devices
2. Job restructuring
3. Part-time or modified work schedules
4. Reassignment to a vacant position
5. Adjusting or modifying training materials or policies
6. Providing readers and interpreters
7. Making the workstation accessible to and usable by employees with disabilities

When a qualified individual with a disability requests a reasonable accommodation, several different methods are used to identify the appropriate accommodation. Each accommodation is made on a case by case basis.

1. The individual may suggest a reasonable accommodation based on his or her own life or work experience.
2. Consultation occurs informally with the applicant or employee about a potential accommodation that would enable the person to participate in the application process or perform the essential functions of the job.
3. If neither of the above methods are satisfactory, the State EEOC, State Rehabilitation Agencies, Job Accommodation Network (JAN) or the State ADA Coordinator may be contacted to assist in identifying or providing services.

The key to the selection of an accommodation is the effectiveness of the accommodation. It may not be the accommodation that the individual prefers, but it should be the most effective within the scope of the job.

Each year, Northland Community and Technical College sets aside a budget of \$5000 from the general fund to prepare for possible accommodation requests. These dollars are used for maintenance of existing adaptive equipment, purchase of new equipment and for consultation fees. Additional resources, for larger projects that benefit the college as a whole, are sought through grant writing activities, donations and other outside resources. If additional dollars are needed to fund accommodations beyond the identified budget, the College would need to transfer the appropriate dollars from the general fund.

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

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

When an accommodation has been identified as undue hardship, the following options may be considered:

- Can we identify another accommodation that is more reasonable?

- Is there any funding such as vocational rehabilitation that we can access?
- Would the employee be willing to pay for a part of the cost accommodation?

**Appeals** - Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the NCTC ADA Coordinator, within a reasonable period of time, for a final decision. If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the agency's complaint procedure.

### **Procedure - Employees/Applicants/Employees Seeking Promotion**

Individuals who wish to request a reasonable accommodation shall contact the Director of Administrative Services. In consultation with the individual, the Director of Administrative Services will:

1. Discuss the purpose and essential functions of the particular position involved. Completion of a job analysis may be necessary.

In order to be considered for job and promotional opportunities, the individual must:

- Satisfy job requirements for educational background, employment experience, skills, licenses and any other qualifications that are job related.
- Be able to perform those tasks that are essential to the job with or without a reasonable accommodation.

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

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

2. Determine the precise job-related limitation;
3. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
4. Select and implement the accommodation that is most appropriate for both the employee and the employer. While an individual's preference will be given consideration, Northland Community and Technical College is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

**Documentation:** Documentation of a disability is required as part of the reasonable accommodation process unless the nature and extent of the disability is already known to the employer, or as a practical matter, the requested accommodation is minimal and the employer makes modifications for its convenience, regardless of whether the employee or applicant meets the requirements for a reasonable accommodation under this procedure. The employee is responsible for securing the necessary documentation from his/her medical provider to assist in making the determination of whether a qualified disability exists.

In making the determination of an appropriate accommodation, the supervisor, the State ADA Coordinator and the bargaining unit representative may also be contacted to discuss the request.

If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the College, a reassignment may be considered for current employees. The Director of Administrative Services may first look for a vacant position equivalent to the one presently held by the employee in terms of pay and other job status. If the employee with the disability is not qualified for such a position, the College may reassign the employee to a lower graded vacant position for which the employee is qualified, as a reasonable accommodation.

Northland Community and Technical College is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

The College is committed to providing equal opportunities for persons with disabilities. Northland Community and Technical College ensures that no otherwise qualified disabled person will be denied access to College programs and activities because of their disability. The College is not only concerned with campus accessibility but also concerned with the rights of individuals with a disability to work, study, and/or live an environment free from discrimination.

# Employee Request for Reasonable Accommodation

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

*Please print or type this page of form and submit to the Director of Administrative Services.*

Employee Name	Classification & Working Title	Date of Request
College/Campus	Statement of Limitations (Attach medical statement if requested by manager.)	

*Attach additional sheets if necessary.*

1. Type of accommodation requested to perform essential functions of your job:

2. Which essential function(s) of your job will the requested accommodation allow you to perform?

3. Why is the requested accommodation necessary to perform the essential job function(s)? How will the accommodation be effective?

4. Have any non-essential job functions been eliminated? Please describe.

Additional Explanation:

*I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the college will become the property of the State of Minnesota. I understand that future circumstances may cause this agreement to be changed or cancelled.*

Signature of Employee

Date

*It is MnSCU policy to insure that the selection process is accessible to all candidates. Please contact the Director of Administrative Services at (218) 793-2476 or TDD/TTY: 218-793-2801 to obtain these materials in an alternative media and/or to request a reasonable accommodation during the selection process.*

# REASONABLE ACCOMMODATION AGREEMENT

*This form is to be completed by the College's ADA Compliance Officer after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicate consent by the employee and the College to the specific accommodation.*

<i>Name of Employee</i>	<i>Name of Administrator</i>
<p><i>The request for reasonable accommodation to the needs of the above named employee with a disability was:</i></p> <p style="text-align: center;"> <input type="checkbox"/> ACCEPTED      <input type="checkbox"/> DENIED         </p> <p><i>Reasons for the decision (indicate specific factors considered).</i></p>	
<p><i>If reasonable accommodation was approved, was the employee's suggestions accepted?</i></p> <p style="text-align: center;"> <input type="checkbox"/> YES      <input type="checkbox"/> NO      <input type="checkbox"/> PARTIALLY         </p> <p><i>REASON:</i></p> <p><i>DESCRIBE specific accommodation(s) to be made:</i></p>	
<p><i>COST ESTIMATE:</i></p>	
<p><i>I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the College will become the property of the State of Minnesota. I understand that future circumstances may cause this agreement to be changed or cancelled.</i></p>	
<i>Signature of Employee</i>	<i>Date</i>
<i>Signature of ADA Coordinator</i>	<i>Date</i>
<i>Signature of Affirmative Action Officer</i>	<i>Date</i>
Director of Administrative Services	
<p><i>It is MnSCU System policy to insure that the selection process for this position is accessible to all candidates. Please contact the Human Resources Office at (218) 683-8631 or TDD/TYY 218-683-8801 to obtain these materials in an alternative media and/or to request a reasonable accommodation during the selection process.</i></p>	

*A copy of the completed form will be attached to the purchase requisition, the original will be on file with the ADA Compliance Officer.*

## XVIII. RETENTION PLAN

Northland Community and Technical College will strive to retain all talented employees with emphasis on underrepresented individuals. The responsibility for retention efforts lies with the administration and all supervisors will be monitored by the college's AAO, Kristi Lane. President, Anne Temte, is dedicated to retaining all well-qualified, hard-working employees and through commitment to positive leadership, the College will try to increase or at least maintain, its retention statistics in a time of reduced funding.

### **Separation Analysis**

Separation data for Northland Community and Technical College, for the period of July 2008 through June 2010, was collected and analyzed.

During fiscal year 2009, twenty-four employees left employment at the college. Twelve or 50% of the employees left voluntarily through resignation or retirement. The remaining 50% consisted of death, dismissal, transfers and non-renewals.

Analysis of this data appears to show that separation patterns of non-protected and protected group employees are not significantly different and that the primary reasons for separation are retirement or employees moving on to other positions.

Northland Community and Technical College will continue to recruit and retain its employees with special emphasis on underutilized group members. Through experience, the college knows that the best way to retain employees is to strive to maintain a positive working environment through ongoing communication and by providing employees with a mechanism to resolve disputes that may arise in the work place.

The college will strive to retain its employees through the following efforts:

1. Commitment to Early Conflict Intervention - Employers who quickly respond to employee disputes are less likely to lose valuable employees. The College strongly believes in early detection and intervention of employee conflicts (including those between supervisor and employee). While some disputes particularly those that fall under the preview of Equal Employment Opportunity and state and federal law require full investigation, other employee disputes are best resolved in other ways. Misperceptions, misunderstandings and minor conflict can escalate into full-blown disputes if they are not dealt with early. The leadership of the College is dedicated to quick response and resolution and believes that facilitating dialogue between parties in conflict through mediation and other efforts will allow for settlement of most disputes.
2. Employee Recognition - The College is committed to the idea that employees who are recognized for their efforts are less likely to leave the organization. Through programs such as achievement awards the College hopes to have an ongoing system that will recognize individuals who have become leaders in their fields.
3. Performance Management - When employees are clear about expectation, have constructive feedback on an ongoing basis and work with their supervisors to construct individual development plans; they are less likely to leave the organization. The College requires that employees have current, accurate position descriptions that

reflect the expectations for successful performance. Current and frequent evaluations are also expected for employees. Supervisors and managers are encouraged to work with their employees to develop skills through training opportunities and support them in achieving their development objectives.

4. Working Environment - The importance of a positive working environment cannot be overstated. A positive, inviting, safe environment can have a huge impact on retention. A non-hostile place to work will go a long way in retaining valuable employees. Only with an ongoing commitment to aggressive recruiting and retention of qualified member so underutilized groups can the College provide an inviting, diverse and positive working environment. The leadership role of the President, with positive modeling, can influence the entire campus attitude toward the diverse student and employee population. By having the President take a leadership role in promoting a positive working environment, the College can better retain employees of protected class status.
5. Mobility and Career Advancement - Employees receive information regarding mobility and career advancement through the regular posting of vacancies, posting of training opportunities (state and non-state programs), and regular posting of the Minnesota Career Opportunities Bulletin. In addition, most employees have access to the Internet, and may use that to pursue job opportunities and career information in compliance with department policy and state statute.
6. Diversity Activities - Various cultural events and activities geared toward enhancing cultural awareness of employees and students are conducted on the campus during the academic year. Some of the activities hosted by the college on a regular basis are Black History Month, Native Images Month, Hispanic Heritage Month, and Women's History Month. The College in collaboration with student services offices, faculty programs, and the Director of Multicultural Services sponsors these activities. The focus of these efforts is to provide an educational and work environment that is sensitive and respectful of cultural differences.
7. Orientation - An orientation program for new employees is conducted for new employees. The orientation program is conducted in the fall each fiscal year. The orientation program will provide new employees with a better understanding of college procedures and orient them to the appropriate individuals to contact for specific services.
8. Mentor – A mentorship program for new faculty had been implemented; however, due to budget constraints and availability of faculty/mentors, the program has not been as active. The program designated a current faculty member that conducts a new faculty orientation session and serves as a mentor for new faculty within the college. The faculty member serves as a contact and resource for the new faculty to assist in the orientation of college procedures.