

SECTION THREE – AFFIRMATIVE ACTION PLAN 2010-2012

IX. PROGRAMS AND PROGRAM OBJECTIVES

Affirmative Action Hiring, Promotions, Tenure, Separations, Training

HIRES

Objective: The University continues to engage all good-faith efforts to hire as diverse and inclusive a workforce in an active, affirmative manner. St. Cloud State University will include all legal and contractual Affirmative Action considerations in hiring processes. It is in the best interests of the university to bring search policies into compliance with best practices and provide consistent information and resources to screening committees and hiring authorities across the university.

Responsibility: Equity & Affirmative Action Officer (all unclassified hires) and Human Resources (all classified hires).

Completion Date: Ongoing

Action Steps:

1. The Equity & Affirmative Action and Human Resources Offices will maintain confidential written records dating back a minimum of three years on all hiring procedures, implementation, and activities. Information regarding disparate impact will be produced, maintained, and analyzed annually by the EAAO.
2. The EAAO or HR (classified openings) designee will work with search committees and hiring administrators to monitor and maintain accountability for all hiring processes.
3. The EAAO will review the unclassified applicant pool and the recommended finalists for self-identified diversity and for non-discriminatory reasons for non-selection as they relate to the notice of vacancy. HR is responsible for ensuring the integrity and potential for diversity in the university's classified hiring processes, employing the same standards of review and non-discriminatory reasons for non-selection based on advertised job qualifications.
4. Where there is underutilization in a hiring unit and qualified candidates from Underrepresented Groups are self-identified and available, the EAAO must review all applicant materials germane to the search and the remaining applicant pool. The EAAO will engage the search committee in discussion of the evaluation and review process and the qualifications of all applicants remaining in the pool, as well as any excluded protected class applicants and their qualifications. Ideally these conversations will happen prior to any on-campus interview invitations are extended to applicants.
5. After interviews are completed and prior to any formal or informal offer of employment, the EAAO and the hiring supervisor will review and discuss the interviewees in relation to the notice of vacancy, the application of the evaluation rubric, any underutilization concerns of the department/unit/VP area and attempt to come to a consensus on the needs of the unit and the university. If necessary, the President will be consulted concerning the hiring rationale, reasons for non-selection and the university's commitment to a diverse and inclusive workforce.
6. All SCSU search procedures (unclassified and classified) are located at www.stcloudstate.edu/employeeprocedures.

Evaluation: Annual reports will be provided to the President and Vice Presidential units on underutilization in the workforce of women and protected classes, as well as yearly data on race and gender for unclassified hires. The EAAO recommends that HR provide the same data on all classified hires. The President and the President's Council will continue to receive monthly reports on unclassified searches and hires as well as yearly availability employment data.

PROMOTIONS and TENURE

Objective: Articles 22 and 25 of the IFO contract speak to professional development, evaluation and tenure, promotions and non-renewal of the collective bargaining faculty unit membership. However, the EAAO is acutely aware of historical biases nationally in the tenure process affecting teaching, research (<http://www.carnegiefoundation.org/perspectives/work-matters-should-be-work-counts>), and service impacting women and other underrepresented groups. While the university continues to apply good faith efforts to promote and tenure employees affirmatively, one of the primary objectives of the process should address academic/intellectual/departmental differences in methodology affecting scholarship. New forms of scholarship, open access, and the continuing quantum shift of technology can create a disparate impact on traditionally underrepresented groups. Quality scholarship remains quality scholarship; however, longstanding majority barriers and gate keeping that significantly narrow the opening and opportunity for those who would use alternative styles, methods and delivery should be addressed by departmental tenure, retention and promotion committees, chairs, deans, the Provost and the President.

Responsibility: Department Tenure, Retention and Promotion Committees, Chairperson, Dean, Provost, President

Completion Date: Annual end of fiscal year snapshot of workforce

Action Steps: Optimally these conditions would exist, fostered and agreed upon through regular conversations with the IFO association with the Administration and may or may not be consistent with current contractual language. We encourage and welcome open conversations with the IFO to support the Provost's efforts addressing the climate of tenure and promotion reviews.

1. Each department with tenured faculty should have current, clearly articulated, accessible criteria outlining what is required on a yearly basis to progress through the tenure process of that department.
2. New faculty members should have a meeting scheduled to review the tenure and promotion process with the tenure/promotion committee, or a representative thereof, the department chair, the dean or an IFO representative.
3. A faculty mentor should be assigned, minimally for the first semester; the probationary faculty member is on campus.
4. Discussion/review of the tenure, retention and promotion committee's evaluation should be conducted in a timely fashion for each probationary faculty member. Criteria surrounding tenure and promotion are governed by IFO contract. This affirmative action plan is in no way intended to conflict or contradict said IFO contract.
5. If not contrary to any contractual language, use of one external reviewer with expertise in the probationary faculty members discipline could prove beneficial to tenure and promotion committees as they are engaged in the review of tenure application of probationary faculty.

This may become increasingly important as departments branch out into increasingly interdisciplinary units with faculty who hold appointments in multiple departments.

6. Any complaints surrounding the equity, application, fairness or discriminatory effects to the probationary faculty member during the tenure process may be discussed with the EAAO.
7. Where adverse impact is identified, the Equity & Affirmative Action Officer may be a useful resource and should be consulted if at all possible. Confidentiality and IFO contract concerns would be considered in all cases.
8. HR maintains record of promotions and tenure in the personnel files.

Evaluation: Meaningful evaluation of any affirmative action plan relating to faculty is directly correlated to successful recruitment and retention of qualified applicant pools and the application of non-discriminatory reasons for non-selection. There seems to be a previous history of hiring “known quantities” campus-wide. The creation of a level playing field is paramount to the university’s ability to recruit and tenure women and protected class employees. Thus, several programming options would potentially add to the university’s ability at the front end of the recruitment process:

1. Recommend designing and implementing a Dissertation Fellows Program under the guidance of the Provost’s Office.
2. The Equity and Affirmative Action Office, in conjunction with the Office of the Provost, should design a Visiting Scholars Program, through the Graduate College available to all academic units with graduate programs.
3. The Office of the President should through all means possible, working with MnSCU, develop a Dual-Career Program to facilitate expedited hiring of spouses and partners in targeted efforts to diversify units across campus whenever possible or the opportunity presents itself.
4. While not exclusive to faculty, a key retention issue is equal access to compensatory benefits. These benefits include health insurance and access to the educational benefit granted solely to spouses. The Equity & Affirmative Action Office desires to take a leadership role in working with the campus and MnSCU in order to become compliant with our non-discrimination statement which says:

St. Cloud State University will provide equal education and employment opportunities to all persons following the Civil Rights Act of 1964 (CRA), as amended, which prohibits certain forms of discrimination in providing educational programs under Title IX and employment under Title VII. Specifically the Civil Rights Act prohibits discrimination based on race, color, national origin, sex, or religion. Federal law also prohibits discrimination based on age, disability, pregnancy and certain Veteran status. The State of Minnesota further prohibits discrimination based on marital status, sexual orientation, receipt of public assistance or membership on a human rights commission.

In compliance with the law and as an integral part of the mission of this university, St. Cloud State University is committed to providing equal education and employment opportunities to all students and employees regardless of race, color, creed, sex, age, religion, marital status, sexual orientation, national origin, disability, and other mentioned immutable characteristics. To carry out this commitment, SCSU not only prohibits discrimination in policy and process, but also takes affirmative steps to prevent sexual and discriminatory harassment in the workplace and classroom. SCSU students or employees with concerns or uncertainty about possible harassment or discrimination are encouraged to

contact Ellyn L. Bartges, who is the university Designated Officer, Title IX Coordinator/Officer and the Equity & Affirmative Action Officer (phone 308-5123 or via email at affirmativeaction@stcloudstate.edu). SCSU encourages the university and the community to investigate/read our policies and procedures pertaining to discrimination, harassment and sexual assault, as well as resources available to faculty, staff and students at <http://www.stcloudstate.edu/affirmativeaction/policies>.

Given the aforementioned statement, it would be a great time for the university community to come together working in unison to make St. Cloud State University a leader in the MnSCU system for social justice and equality. Building these kinds of programs should have the overall effect of increasing our ability to recruit, hire, retain and promote the most diverse workforce possible. Programs like the aforementioned have proven successful in other state institutions across the country and we should not shy away from adding these programs even in difficult budgetary times. If diversity is driven solely by budget, then by implication the progress St. Cloud State University has made towards diversifying the faculty and staff can be cut at will, instead of being a core value of a large public institution of higher learning. These programs could be adapted in other units benefiting all areas of the university and are not designed solely for academic affairs.

SEPARATIONS (Attrition, retirement, resignation, death, termination, etc.)

Objective: The University will review all separation proposals for impact on retention and promotion efforts as they relate to affirmative action efforts.

Responsibility: Human Resources and Equity & Affirmative Action and Vice President areas

Completion Date: Annual end of fiscal year snapshot of workforce

Action Steps:

1. The Equity & Affirmative Action Office will review current information obtained from BRIO/Hyperion databases regarding disparities of unclassified and classified employee separation data.
2. The Equity & Affirmative Action Office will serve as a resource to insure separations are in compliance with union contracts.
3. The Equity & Affirmative Action Office should, in consultation with respective bargaining units, review proposed separations prior to any separation to assess disparate impact.
4. Human Resources will review separation decisions reached by hiring authorities to monitor the separation process.
5. In conjunction with Human Resources, use of statistical tests in the analysis of separations will be employed to determine if the difference in the rates is statistically and practically significant.
6. Where adverse impact is identified, the EAA Officer and HR Director will advise the President.

Evaluation: Action steps should ensure non-discriminatory methods of separation are utilized and if a disparity exists, the reasons for the disparity are reviewed and determined to be non-discriminatory in nature. Any review of disparate impact caused by separation should be discussed with the EEO, the HR Director and the Vice President of the unit. The Equity &

Affirmative Action Officer provides an annual separation summary to the President based on data obtained from Human Resources.

The separation analyses (as evidenced by the chart below) data for the period July 1, 2008 through June 30, 2009 indicates no areas of concern with regard to the differences in rates of separations within each job classification and ethnic groupings. The analysis indicates the following (see table below) :

- Of the 50 total separations, 94% were White and 6% were Minority (2% Asian and 4% American Indian).
- There were no separations of Black/African American or Hispanics during this time period.
- 54% of separations were due to Retirement and 34% were due to Resignation, with the balance split between other types.

**St. Cloud State University - Annual Separation Summary
July 1, 2008 - June 30, 2009**

TOTAL SEPARATIONS FOR ALL CLASSIFICATIONS																						
Type of Separation	Total			White			Total Minority			Black			Asian			Hispanic			American Indian/ Alaska Native			
	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	
Retirement w/Early Inc	9	4	5	9	4	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Retirement	18	12	6	17	11	6	1	1	0	0	0	0	1	1	0	0	0	0	0	0	0	
Nonrenewal	1	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Resignations	17	6	11	16	0	11	1	1	0	0	0	0	0	0	0	0	0	0	1	1	0	
Deceased	1	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1	0	
Dismissal	2	2	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Termination	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Transfers	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
GRAND TOTALS	50	26	24	47	18	24	3	3	0	0	0	0	1	1	0	0	0	0	2	2	0	
				94%			6%			2%			4%									

PRE-REVIEW OF CONTRACTUAL LAYOFFS

St. Cloud State University will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans <http://www.stcloudstate.edu/humanresources/union.asp> . Proposed layoff decisions will be reviewed by the Equity & Affirmative Action Officer/Designated Officer to proactively evaluate any effect on St. Cloud State University's affirmative action and diversification program. These conversations will happen with the respective vice-presidential areas and with consideration of collective bargaining unit contracts prior to any final layoff decisions.

NON-DISCRIMINATION TRAINING EDUCATION

Objective: Working with collective bargaining units' campus wide, providing leadership and support to increase participation in the training and education to campus constituents about nondiscrimination and responsibilities to prevent prohibited discrimination and sexual harassment

Responsibility: Equity & Affirmative Action Office and Vice Presidents, Deans and Directors

Completion Date: Ongoing

Action Steps:

1. Working through all campus constituency groups and labor agreements, strive for annual growth of employee participation in the online discrimination and harassment training programs.
2. Continue to educate and serve as a resource for hiring supervisors about their role in preventing discrimination.
3. Keep on-line trainings up to date and relevant to a higher educational environment.
4. EAAO will serve as the campus-wide resource for programming, lectures, and guest speaking on preventing discrimination and sexual harassment whenever asked.
5. The EAAO will provide supervisory units completion data for the online training for their respective units in order to more fully provide notification of who has not completed the training.
6. The EAAO will send an annual notification in the fall alerting employees who have not completed the training of the potential for individual liability if a harassment case is brought against them and they have not completed the training made available to them at significant cost by the university.
7. The EAAO will serve as a neutral resource to assist the campus community in understanding the 1B.1 and 1B.1.1. MnSCU complaint policy and process.

Evaluation: The Equity & Affirmative Action Office will track all training completions and inform the President, Vice-Presidents, Deans, and Supervisors of completions for their respective units.

X. METHODS OF AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS

AUDITING - Pre-employment Review Process

A complete and comprehensive search and hiring procedures website www.stcloudstate.edu/employee-procedures is well established for department supervisors/managers, search personnel and search committees. This site incorporates HR and EAAO pre-employment review processes for classified and unclassified hiring (see Appendix C-J).

EVALUATING and REPORTING Program Success

1. An underutilization report is established each year and disseminated to vice-presidential areas that will disseminate this information to deans, directors, and hiring supervisors.

This information is intended as a guide for hiring authorities working with search committees to recruit and successfully hire underutilized populations based on the most current available.

2. The EAAO produces an annual report for the president detailing the results of hiring for the fiscal year.
3. A database of complaints documenting ongoing and end of the year review and analysis is maintained by the EAAO. Concerns and complaints data for FY2009 and FY2010 are as follows:

Complaints/Concerns – 2009 calendar year (18 total)

Basis: 3 Race / 6 Sex Discrimination / 4 Sexual Harassment / 5 Other or combined

Complaints/Concerns – 2010 calendar year (53 total)

Basis: 6 Race / 1 Gender / 11 Sexual Harassment / 13 Hostile Work Environment /
3 Disability / 2 Retaliation / 17 Other or combined

4. An end of fiscal year applicant report is created detailing gender, race and advertising source for all who returned the voluntary EEO forms.