



**ST. CLOUD STATE**  
U N I V E R S I T Y

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**State of Minnesota**

**St. Cloud State University**

**2018-2020 Affirmative Action Plan**

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**<https://www.stcloudstate.edu/oea/>**

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

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## Executive Summary

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

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

**Table 1: Underutilization Analysis of Protected Groups**

<b>Job Categories</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals with Disabilities</b>	<b>Veterans</b>
Officials & Administrators	-1	< 10	< 10	< 10
Professionals	14	52	17	18
Faculty	56	43	40	55
Protected Services: Sworn	0	0	0	0
Protected Services: Non-sworn	0	0	0	0
Office Clerical Paraprofessional	-52	51	< 10	0
Technicians	-6	< 10	0	11
Skilled Craft	< 10	10	< 10	< 10
Service Maintenance	12	34	< 10	< 10

Information about how to obtain or view a copy of this Plan will be provided to every employee of the agency. Our intention is to make every employee aware of St. Cloud State’s commitments to affirmative action and equal employment opportunity. The Plan will also be posted on the agency’s website and maintained in the Office for Institutional Equity & Access.

**Affirmative Action Officer or Designee:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

**Human Resources Director or Designee:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

**University President:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

## Organizational Profile (Brief Overview)

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St. Cloud State is one of the largest public universities in Minnesota with more than 14,000 students. The university is located about an hour northwest of Minneapolis, along the oak-crowned west bank of the Mississippi River.

The [100-acre campus](#) is between downtown [St. Cloud](#) and the [Beaver Islands](#), a group of more than 30 islands that form a natural maze for a two-mile stretch of the river. The St. Cloud metropolitan area is 24th on Forbes magazine's "Best Small Places for Business and Careers." St. Cloud is ranked in Forbes magazine's "[America's Top Colleges](#)."

St. Cloud State's undergraduate programs hold nearly every available [national accreditation](#). Students choose from [more than 200 majors, minors and pre-professional programs](#), including regional rarities such as meteorology and geographic information systems.

The [School of Graduate Studies](#) offers more than 60 programs, including doctoral degrees in Higher Education Administration and Educational Administration and Leadership, as well as a Master of Business Administration from the acclaimed [Herberger Business School](#).

Master's degrees in [regulatory affairs and services](#), [applied clinical research](#) and [medical technology quality](#) tap a growing demand for professionals who can lead medical device companies through Food and Drug Administration (FDA) and international regulatory processes. Minnesota is home to more than 480 FDA-approved medical device manufacturers. Minnesota companies registered nearly 2,220 medical device patents between 2005 and 2009, second among the states.

The University's accomplishments, awards, accolades and extraordinary faculty and alumni are catalogued in the [Distinctions website](#).

Founded in 1869 as a state normal school, St. Cloud State has evolved into a comprehensive university with all the institutions that make college life exciting: [events and activities](#), art galleries, [theatre](#), about 250 clubs and organizations, [NCAA athletics](#), club sports, [intramurals](#), [indoor recreation opportunities](#) and [outdoor pursuits](#). The campus nerve center is our [library](#).

## Statement of Commitment

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This statement reaffirms St. Cloud State University is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion,

age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.

- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

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

**University President:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

# Individuals Responsible for Directing/Implementing the Affirmative Action Plan

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## A. President

### Responsibilities

The University President is responsible for establishing an Affirmative Action Program, including goals, timetables and compliance with all federal and state laws and regulations. The President, through the Commissioner of Minnesota Management & Budget (MMB), will report annually to the Governor and the Legislature the agency's progress in meeting its affirmative action goals and objectives.

### Duties

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

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

### Accountability

The University President is accountable directly to the Governor and indirectly to the Commissioner of MMB for affirmative action matters.

## Name of individual(s) responsible

Name: Dr. Robbyn Wacker

Email: scsupresident@stcloudstate.edu

Title: President

Phone: 320-308-2122

## B. Affirmative Action Officer

### Responsibilities

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

### Duties

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

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

- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the University Diversity Recruitment program.

### Accountability

The Affirmative Action Officer is accountable to the Equity & Affirmative Action Officer for program impacts and for ongoing program activities and direction. The Equity & Affirmative Action Officer oversees the administrator of ADA Title II, and administrator of Diversity and Inclusion.

### Name of individual(s) responsible

- |  |   |
|--|---|
| <b>1. Name:</b> <u>Dr. Ellyn Bartges</u>                     | <b>Email:</b> <u>elbartges@stcloudstate.edu</u> |
| <b>Title:</b> <u>Equity &amp; Affirmative Action Officer</u> | <b>Phone:</b> <u>320-308-5123</u>               |
| <b>2. Name:</b> <u>Desiree' Clark, M.S., CAAP</u>            | <b>Email:</b> <u>ddclark@stcloudstate.edu</u>   |
| <b>Title:</b> <u>Affirmative Action Officer</u>              | <b>Phone:</b> <u>320-308-5123</u>               |

## C. Affirmative Action Officer Designee(s)

### Responsibilities

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

### Duties

- Fulfill all affirmative action reporting requirements by submitting standard quarterly reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.
- Serve as ex-officio member of the Employee Resource Group (ERG) diversity committee at their work location.
- Serve as a member of the department-wide Affirmative Action Officers Committee.
- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices and to recommend changes to the Affirmative Action Officer.
- Serve as ex-officio member of the recruitment team at their work locations.

## Accountability

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

### Name of individual(s) responsible

1. **Name:** Teresa Weihs **Email:** tlweihs@stcloudstate.edu  
**Title:** Training and Development Specialist **Phone:** 320-308-3968
2. **Name:** Kris Larson **Email:** kelarson@stcloudstate.edu  
**Title:** Employee Relations and Compensation Specialist **Phone:** 320-308-3204

## D. Human Resources Director or Designee(s)

### Responsibilities

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

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

### Duties

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

- Maintain effective working relationships with agency affirmative action officers and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and utilization of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected class persons and notify managers and supervisors of existing disparities
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors by working effectively with the affirmative action officer.

- Initiate and report on specific program objectives contained in the affirmative action plan;
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers and the Affirmative Action Officer in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officers, and human resources staff in the intentional creation of Supported worker positions that assist in reduction of agency costs by diverting supportive employment duties from higher skilled workers to a supported worker position and thus improve employee morale and retention of individuals with disabilities in integrated employment.
- Request recruitment assistance from MMB’s Statewide Director of Diversity Recruitment and Retention in the diversity recruitment and retention of protected group members in hard to fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.

**Accountability**

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

**Name of individual(s) responsible**

- |  |   |
|--|---|
| <p><b>1. Name:</b> <u>Mike Freer</u></p> <p><b>Title:</b> <u>Chief Human Resource Officer</u></p>        | <p><b>Email:</b> <u>mwfreer@stcloudstate.edu</u></p> <p><b>Phone:</b> <u>320-308-3203</u></p> |
| <p><b>2. Name:</b> <u>Linda Besse</u></p> <p><b>Title:</b> <u>Assistant Human Resources Director</u></p> | <p><b>Email:</b> <u>lbesse@stcloudstate.edu</u></p> <p><b>Phone:</b> <u>320-308-2287</u></p>  |

**E. Americans with Disabilities Act Title I Coordinator**

**Responsibilities**

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

## **Duties:**

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

- Provide guidance, coordination, and direction to agency management with regard to the ADA in the development and implementation of agency policy, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to agency management and staff on compliance and best practices with regard to hiring and retention of individuals with disabilities as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing agency services, and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update Human Resources Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Manager in designing and delivering specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement under the guidelines of the statewide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or enjoy equal benefits and privileges. The ADA coordinator and the regional human resources director (RHRD) who also serves as the regional ADA coordinator, in consultation with the employee and supervisor, and other individuals who may need to be involved must:
  - Discuss the purpose and essential functions of the particular job and complete a step-by-step job analysis;
  - Determine the precise job-related limitations;
  - Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
  - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.

## **Accountability:**

The ADA Title 1 Coordinator is accountable to the university President.

## **Name of individual(s) responsible**

1. Name: Dr. Ellyn Bartges

Email: elbartges@stcloudstate.edu

Title: ADA Coordinator

Phone: 320-308-5123

2. Name: Mike Freer

Email: mwfreer@stcloudstate.edu

Title: Chief Human Resource Officer

Phone: 320-308-3203

## F. Americans with Disabilities Act Title II Coordinator

### Responsibilities

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

### Duties:

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

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

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

### **Accountability:**

The ADA Title II Coordinator is accountable to the University President.

## **G. Senior Managers and Facility Executive Team Leaders**

### **Responsibilities**

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

### **Duties**

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

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

### **Accountability**

Senior managers and executive team leaders are accountable directly to the University President.

## H. All Employees

### Responsibilities

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

### Duties:

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

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

### Accountability:

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

## Communication of the Affirmative Action Plan

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

### Internal Methods of Communication

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the agency's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.

- The university’s Affirmative Action Plan is available to all employees on the university’s internal website at <https://www.stcloudstate.edu/oea/policies/aa-plan.aspx> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- A physical copy of St. Cloud State’s Affirmative Action Plan will be available to employees at the following address:

St. Cloud State University  
 Administrative Services Building, 102  
 720 Fourth Ave South  
 St. Cloud, Minnesota 56301

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

## External Methods of Communication

- The agency’s Affirmative Action Plan is available on the agency’s public website at <https://www.stcloudstate.edu/oea/policies/aa-plan.aspx> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- The agency’s website homepage, letterhead, publications, and all job postings, will include the statement “an equal opportunity employer” and “women, minorities, and individuals with disabilities are encouraged to apply.” The agency will also ensure a representative ratio of diversity is on all diversity marketing materials.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- A physical copy of the Agency’s Affirmative Action Plan will be available to contractors, vendors, and members of the public at the following address:

St. Cloud State University  
 Administrative Services Building, 102  
 720 Fourth Ave South  
 St. Cloud, Minnesota 56301

## Underutilization Analysis and Affirmative Action Goals

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

**Table 2. Underutilization Analysis and Hiring Goals for 2018-2020**

The second, third, and fourth columns of this chart show the number of underutilized individuals of each group in each category at this agency. The fifth, sixth, and seventh columns show the agency's hiring goals for each group in each category.

Job Categories	Underutilization - # of Individuals			Hiring Goals for 2018-2020		
	Women	Racial/Ethnic Minorities	Individuals with Disabilities	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators	< 10	< 10	< 10	1	1	1
Professionals	14	52	17	14	12	4
Faculty	56	43	40	22	6	1
Protected Services: Sworn	0	0	0	0	0	0
Protected Services: Non-sworn	0	0	0	0	0	0
Office/Clerical	< 10	51	9	16	3	2
Technicians	< 10	8	< 10	2	1	1
Skilled Craft	< 10	10	< 10	1	1	1
Service Maintenance	12	34	< 10	1	2	1

## **Availability:**

The university determined the recruitment area to be nationwide for all job categories. In conducting its underutilization analysis, the university used the one and two factor analysis. The university determined it was best to use this type of analysis for a few different reasons. First, the university has traditionally only conducted a single factor analysis. To be consistent with what was done in the past, and for comparison purposes, the university felt it would be best to pull the data in this method again. In addition, the university conducted a two factor analysis based upon Minnesota statewide labor force availability. In using both statewide and national data, the university hopes to be able to focus on recruitment strategies for all position types.

Underutilization Analysis worksheets are attached in the appendix.

## **Women:**

At the university, the population of women has improved in the following job categories: professionals, faculty, and office clerical/paraprofessionals and has not improved in the following job categories: officials/administrators, skilled craft and service maintenance. The university has consistently made efforts to post job openings in diverse places for faculty and professional positions that would attract women to apply. With the creation of strategic partnerships with departments on campus, the university has been successful with targeting areas that have led to the increase of hiring female faculty, professionals, and technicians. With regards to the office clerical/paraprofessionals and technicians there has been little to no improvement. The availability of women in these fields is higher than the number of positions that we have availability to hire. These areas have an overrepresentation of women in the group. However, the skilled craft category has the least number of female employees and is one of the most difficult areas to hire women into. In the positions that are posted, there is often one female, however those individuals in the past were lacking a required qualification for the position, therefore another person that met the requirements was hired. Additionally, hourly wages are competitive in the public sector, while the universities wages are set by the bargaining unit contracts through negotiation.

Despite some barriers that have surfaced, to continue with making strides to hire women into all categories, the Affirmative Action Officer will work with Human Resources to create additional opportunities to advertise job openings within the St. Cloud community with hopes that qualified women in the community will apply. This will be predicated on the number of open positions we have to post, and the budget available to create these opportunities.

## **Minorities:**

At the university, the population of minorities has improved in the following job categories: officials/administrators, professionals, faculty, office clerical/paraprofessionals, technicians, skilled craft and service maintenance. This is an improvement in each job category. Even though there is a numerical improvement between the two plans, the university recognizes that there is still work to be

done in some of the categories that have fewer than 5% minorities. The university has set intentional goals that will assist hiring managers in being more proactive with hiring minorities from all job categories. Utilizing the monitoring the hire process to ensure we are making affirmative hires when applicable will be one of our biggest strengths. We will also continue to work together as an institution to build partnerships within the community to attract diverse applicants.

### Individuals with Disabilities:

At the university, the population of individuals with disabilities has improved in the following job categories: professionals and has not improved in the following job categories: faculty, office clerical/paraprofessionals, technicians and service maintenance. The university has faced challenges in hiring individuals with disabilities. Concerns that individuals that apply may not self-identify that they have a disability out of fear of retaliation or non-selection. The university has a clear nondiscrimination statement stating individuals with disabilities are a protected class and St. Cloud State University is an equal opportunity employer. The university relies on applicants' self-identification. To help encourage greater identification, the university conducts an annual workforce disabilities and veterans survey. This survey is cross referenced with employment data from Human Resources. When a new name is identified through this process, the ADA Coordinator reaches out to the employee to see if they need an accommodation and to inform them of available services. Through continued review, it was learned no question was asked in the online application for faculty and professionals to self-disclose that they have a disability or need an accommodation. This has been since been rectified, so that we can now track this information and pull reports on the applicant pools. To date, there has not been a single applicant that has self-disclosed that they have a disability through the application process for faculty and professionals. In moving forward, the university will work to partner with the St. Cloud community to provide information on new positions being posted. In addition to the local postings, the university will continue to post positions in places that individuals with disabilities will have access to apply.

## Separation and Retention Analysis by Protected Groups

---

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

**Table 2 Person's Responsible for Agency Retention Programs/Activities**

Title	Contact Information
Desiree' Clark, Affirmative Action Officer	Phone: 320.308.5123 Email: ddclark@stcloudstate.edu
Dr. Ellyn Bartges, Equity & Affirmative Action Officer	Phone: 320.308.5123 Email: elbartges@stcloudstate.edu

Title	Contact Information
Mike Freer, Chief Human Resources Officer	Phone: 320.308.3203
	Email: mwfreer@stcloudstate.edu

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

**Table 3 Type of Separation**

Type of Separation FY2016-2018	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percent of Individuals w/Disabilities
Dismissals/Non Certification	< 10	2.05%	0.51%	0.00%	0.51%
Resignations	32.5	33.33%	17.95%	3.59%	1.03%
Retirement	37.5	38.46%	17.44%	1.54%	1.03%
Reduction in Workforce	0	0.00%	0.00%	0.00%	0.00%
Lay Off	< 10	6.67%	4.10%	0.00%	0.51%
Termination	14	14.36%	7.18%	1.03%	1.03%
Total Separations	97.5	100.00%	49.74%	6.67%	4.10%

## Women

Women represent approximately 52.54% of the total university workforce. The university saw a total of 196 separations from July 1, 2016 to June 30, 2018. Women were 49.74% of all separations. This is equal to the total University workforce representation. The primary reasons women separated from St. Cloud State University were due to resignations and retirements. Seven percent of women were terminated and 4 percent were laid off.

## Minorities

Minorities represent approximately 12.77% of the total University workforce. The university saw a total of 13 separations from July 1, 2016 to June 30, 2018. Minorities were 6.67% of all separations. This is proportionately lower relative to their total university workforce representation. However, losing

6.67% of 12.77% of minorities on campus is a large cut to the universities overall diversity. In the past two years, half of our minority employees have left for other employment opportunities, which would indicate that retention of minority employees is at risk. The faculty teaching load at St. Cloud State is a 4/4 load which in comparison to a 3/3 teaching load at comparable State universities nationwide. This could also be an indication that there are junior faculty that are not attaining tenure.

## Individuals with Disabilities

Individuals with Disabilities represent approximately 1.72% of the total university workforce. The university saw a total of 8 separations from July 1, 2016 through June 30, 2018. Individuals with Disabilities were 4.10% of all separations. This is proportionately higher relative to their total University workforce representation. The reasons for separation in the disability category are evenly distributed between resignations, retirements and termination. This is the smallest population of employees on campus, and any loss is critical to the universities overall diversity.

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

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

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

### Program Objectives for (Women)

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

List job category name	Percent women employees in category	Percent women hired in category	Percent women separated in category
Skilled Craft	2.78%	0.00%	0.00%
Service Maintenance	28.74%	25.00%	20.00%

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

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

The university will enhance outreach efforts that target women (including women of color and women with disabilities) in this category (e.g. advertisements with women's publications, and women's job fairs). This will include posting through the Minnesota State Career website, Indeed, and Elevate Minnesota. Affirmative Action Officers, Human Resources recruiters shall meet with hiring managers for pre-hire consultation to discuss inclusive recruitment strategies and ways to increase applicant pool diversity. Human Resources and Affirmative Action Officers also do a fair amount of supervisor coaching on recruitment strategies and best practices.

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

In January of 2016, the Minnesota State System Office notified all colleges and universities that they were required to exclusively use Recruitment Solutions for advertising classified positions. There are obviously many considerations that need to be made at the system to level the playing field. As a result, this method of advertising positions has been identified as a barrier for women who seek employment. It would be helpful for the System Office to do some advertising, publicity and community outreach to make Recruitment Solutions better known to potential applicants statewide. Job seekers would also need access to a computer to apply online. Using the codified job vernacular can be misleading as job titles evolved and become more descriptive of the actual work an employer is looking to fill. Inclusion of the working title would be very helpful in reaching a wider audience. Applicants may not know the job classifications that are used in the job title (e.g. General Repair Worker, General Maintenance Worker), therefore overlooking a position for which they would be eligible. To overcome these barriers, Affirmative Action Officers will also partner with Human Resources and the Affirmative Action Advisory Committee to plan a career information session that will provide details of our application process to the St. Cloud Community. Additionally, the university aspires to build a partnership with the city of St. Cloud to advertise job openings and participate in local job fairs when positions become available.

### **Future Evaluation:**

Each quarter, the university will assess the demographics of the applicant pools for posted positions in the EEO4 job category. After one year, the progress will be assessed and the program objective may be modified.

### **Past Evaluation:**

In the past, the Office for Institutional Equity & Access focused on the Affirmative Action Recruitment Plan (RP). The RP is submitted with the Notice of Vacancy (NOV), providing details of the places in which the department/unit intends to publish the NOV. The objective of the RP is to ensure our university recruitment programs are publicly marketed, attract and obtain qualified applicants, enhance the image of state employment and to assist in meeting our university affirmative action goals to achieve a diverse work force. Therefore, the university began to engage in widespread and diverse notifications of employment opportunities to yield diverse and vibrant applicant pools for all hires into

positions of 50% FTE or more. Routinely, ads are placed on appropriate websites and in some publications, including but not limited to the Chronicle of Higher Education (print and web postings), SCSU and Minnesota State Employment Opportunities, Minnesota Diversity, Higher Ed. Jobs, Jobs for Veterans website, Minneapolis Star Tribune newspaper (print and web postings) and the St. Cloud Times newspaper (including online postings at Careerbuilders.com). Finally, individuals from all academic and unclassified departments are encouraged to post job notices at conferences they attend, and to engage with recruitment resources at all academic disciplines, professional journals and websites.

The university has continued with the use of the RP during the search process to identify strategic methods to hire diverse candidates. This works very well for our faculty and professional positions. The university will continue to research and develop ways to reach women applicants as outlined above in other categories. Additionally, Affirmative Action Officers and Human Resources have prioritized developing our partnership in oversight of classified searches. The goal is with increased presence of the Affirmative Action Officers in the search process, a higher rate of affirmative hires can be achieved.

### **Person's Responsible:**

- Affirmative Action Officer and Equity & Affirmative Action Officer  
Persons responsible for enacting this program objective and/or evaluating the impact
- Affirmative Action Advisory Committee
- University President

### **Target Dates:**

Minnesota State Career Opportunity: When positions become available, immediately begin posting classified positions to the Minnesota State Careers website. The Minnesota State Career Opportunity site automatically posts all positions to Higher Ed Recruit Consortium (HERC). HERC is an online database for job seekers. HERC connects applicants from African American, Asian American, and Individuals with Disabilities, LGBT, Hispanic Americans, Native Americans, Veterans, Women and General Diversity to available Minnesota State positions. Advertising classified positions on the Minnesota State website, will create opportunities for an increased amount of individuals from diverse backgrounds to apply.

Career Information Session: The Affirmative Action Officers will work with Human Resources staff and the Affirmative Action Advisory Committee to plan a career information session on campus that will provide details on the different types of employment at the university, describe employee benefits, and provide step by step instructions on how to apply online to open positions. The goal is to bring this project to the Affirmative Action Advisory Committee fall 2018, and plan for the session(s) to take place in either spring, summer or fall 2019. Assessment of the progress of job fair will take place in the next Affirmative Action Plan.

Community Partnerships: The Affirmative Action Officer has reached out to contacts at the City of St. Cloud's Mayor's Office to begin conversations on how to build a partnerships that will provide

information on the current career opportunities at the university and connect community members to the career information sessions hosted by the university. The goal is to establish the partnership 2018-2019, and to begin tracking the success of the partnership 2019-2020. Results of the progress achieved will be discussed in the next Affirmative Action Plan.

## Program Objectives for (Racial/Ethnic Minorities)

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

List job category name	Percent Minorities employees in category	Percent Minorities hired in category	Percent Minorities separated in category
Office Clerical / Paraprofessionals	1.13%	0.00%	0.00%
Technicians	3.23%	22.1%	0.00%
Skilled Craft	2.78%	0.00%	0.00%
Service Maintenance	4.60%	0.00%	0.00%

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

### Recruitment action for racial/ethnic minorities in this category:

The university would like to encourage more racial/ethnic minorities to apply for vacancies in this category by posting vacancies on various job boards, college websites and diverse publications. Additionally, the university has implemented a diversity competence statement that's included in job descriptions. "Evidence of the ability to work with persons from culturally diverse backgrounds." Affirmative Action and Human Resources staff shall partner to evaluate existing hiring processes and identify potential barriers to attracting and hiring diverse applicants/employees. Furthermore, Affirmative Action Officers and Human Resources staff shall meet with hiring managers for pre-hire consultation to discuss inclusive recruitment strategies and ways to increase applicant pool diversity.

### Recruitment barrier identified for racial/ethnic minorities in this category:

The university plans to conduct research on the applicants that have applied for positions in the last two years to determine how many racial/ethnic minorities have applied. The current employment website, Recruitment Solutions, does not have an option to pull reports that determine aggregate data of all applicants that apply. This limits the universities ability to review the diversity of the candidates as a whole and analyze the applicant pools. In 2016, there was a sudden unexpected death of the

University President, a change in the Director of Human Resources and a handful of trickle down interim appointments at leadership level, which effected communications and disrupted the business of hiring. Additionally, reductions in student enrollment has had an adverse impact on financial allocations, thereby causing leadership to leave some positions unfilled and or forced to make reductions.

During the last biennium, the university implemented a trial focused on providing unconscious and conscious bias training for search committee members (faculty, administrator and professional searches). The intent of the training is to provide search committees with an overview of how bias can impact the search process; how to recognize when bias is encountered; and to develop an unbiased assessment criteria that sets specific times during the evaluation process when the committee assesses the effectiveness, fairness and implementation of the search process. As a result of implementing unbiased consciousness into the search committee training, 2017-2018 hires for faculty, administrator and professional searches yielded a very diverse pool of new hires. The success of the unbiased training of unclassified committees, clearly justifies expanding the training into the classified search committee process.

### **Future Evaluation:**

The Affirmative Action Officer will assess the demographics of the applicant pools for posted positions to review the success of diverse hires. With the addition of Minnesota State as a place to post vacancies, the Affirmative Action Officer and Human Resources staff will track hiring source data from applications, and rate the success of the newly implemented posting methods mentioned above. After one year, the progress will be assessed and the program objective may be modified.

### **Past Evaluation:**

In past Affirmative Action Plans, the Affirmative Action Officer suggested programs to maintain retention of faculty of color. Those programs included a Dissertation Fellow Program under the guidance of the Provost; a Visiting Scholars Program through the School of Graduate Studies available to all academic units with graduate programs; a Dual-Career Program to facilitate expedited hiring of spouses and partners in targeted efforts to diversity units across campus whenever possible or the opportunity presented itself. While these programs were identified in past Affirmative Action Plans, to date these “grow your own” affirmative programs have not been implemented. Funding and apprehension surrounding union concerns have been the reasons given to the Equity & Affirmative Action Officer for not moving forward with these proposals.

### **Person's Responsible:**

- Affirmative Action Officer and Equity & Affirmative Action Officer  
Persons responsible for enacting this program objective and/or evaluating the impact
- Affirmative Action Advisory Committee
- University President

## Target Dates:

Human Resources staff and the Affirmative Action Office have begun conversations about developing a question for applicants to identify how they were notified about the position in recruitment solutions. A quarterly review of applicant data will commence spring 2019 to track the sources our applicants used when applying for a position with the university.

## Program Objectives for (Persons with Disabilities)

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

List job category name	Percent PWD employees in category	Percent PWD hired in category	Percent PWD separated in category
Professionals	1.83%	0.00%	6.67%
Faculty	1.82%	2.84%	7.69%
Office Clerical / Paraprofessional	1.69%	0.00%	5.56%
Technicians	0.00%	0.00%	0.00%
Skilled Craft	0.00%	0.00%	0.00%
Service Maintenance	1.15%	0.00%	20.00%

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

### Recruitment action for persons with disabilities in this category:

The university has set a goal to hire 10 persons with disabilities across the above referenced positions. To assist departments across campus with meeting the goals identified, the university plans to post job vacancies to the Association on Higher Education And Disability (AHEAD) Career Center. The AHEAD Career Center receives over 700 hits per month and has professional staff that targets experienced candidates applying for new opportunities. An additional benefit with posting vacancies in the AHEAD Career Center is that the cost is affordable and within reason considering departmental budgets.

The Affirmative Action Officer will work with Human Resources staff to train managers and other employees about the benefits of hiring individuals with disabilities (and diversity generally), what the

law requires , and the organization's commitment to recruiting, hiring and promoting qualified disabled individuals. The Affirmative Action Officer will also work with search committee chairs during the interview process to ensure that reasonable accommodation information is provided to interviewees.

### **Recruitment barrier identified for persons with disabilities in this category:**

The university has engaged in advertising positions both statewide and nationally in places specific for persons with disabilities, yet the number of individuals that self-identify with a disability in the application process is dwindling. The individuals with disabilities that do apply for positions, do not always possess the minimum qualifications for the desired position. The university has committed to actively participate in the State's Connect 700 program to increase our number of employees with disabilities. The Connect 700 program provides persons with a disability the opportunity to interview on a causal basis to reduce anxiety about the regular interview process. Through conversation, the designated Human Resources staff is able to determine eligibility of the applicant. Since the university has launched the program, there have been a handful of interviews, however a successful hire has not yet been accomplished.

Another barrier to the success of hiring candidates in this category is budget. With limited resources, it is difficult for departments in differing units to post job openings. Budget allocations are the primary set back in advertising positions in additional places that would attract persons with disabilities.

### **Future Evaluation:**

Annually, the Affirmative Action Officer and Human Resources staff will partner to evaluate existing hiring processes and identify potential barriers to attracting and hiring employees with disabilities. Additionally, Affirmative Action Officers will meet with hiring managers for pre-hire consultation to discuss inclusive recruitment strategies and ways to increase applicant pool diversity.

### **Past Evaluation:**

Previously, the university has committed to:

- a. Reviewing recruiting, application, selection and hiring practices to make sure they provide mechanisms for individuals with disabilities to obtain reasonable accommodations as needed;
- b. Review and audit internal policies and process regarding the provision of accommodations;
- c. Review job descriptions and other materials to ensure the actual essential job functions for each position have been identified to facilitate meaningful discussions with employees or applicants about accommodations; and
- d. Consider partnering with third party agencies or organizations with expertise in this area to assist with outreach, hiring and retention of individuals with disabilities.

## Person's Responsible:

- Affirmative Action Officer and Equity & Affirmative Action Officer  
Persons responsible for enacting this program objective and/or evaluating the impact
- Human Resources Delegate
- University President

## Target Dates:

AHEAD Career Center: The University aspires to begin posting job vacancies as they become available immediately to the AHEAD Career Center website. Advertising available positions on the AHEAD Career Center website will create additional opportunities for an increased amount of individuals with disabilities to apply. A quarterly review of applicant data will commence spring 2019 to track the sources our applicants used when applying for a position with the university.

## Additional General Recruitment Activities, Recruitment Programs and Partnerships, and Retention Activities for all EEO Categories

### Recruitment Activities

- Post vacancies on various job boards, college websites and diverse publications.
- Affirmative Action Officers and Human Resources staff partner to evaluate existing hiring processes and identify potential barriers to attracting and hiring diverse applicants/employees.
- Affirmative Action Officers and recruiters meet with hiring managers for pre-hire consultation to discuss inclusive recruitment strategies and ways to increase applicant pool diversity.
- Offer paid and unpaid internships, as well as job shadowing experience for students in a variety of fields.
- Aspire to interview and survey new employees and obtain feedback to help identify factors that attracted the individual to St. Cloud State.

### Recruitment Programs and Partnerships

- Veteran Pathway to Employment Program: Explore and develop partnerships with Veterans Hospital, Veterans Resource Center and Minnesota National Guard to connect individuals to employment and support their success on campus.

### Retention Activities

- Conduct annual recognition programs and employee appreciation events.
- Sexual harassment prevention and ethics training for supervisors. Preventing Discrimination and Sexual Violence: Title IX, Cleary, VAWA online training for all employees.

- Showcase employee's accomplishments and success with the Excellence in Teaching Award, and Honorary Doctorate Award.
- Develop diversity and inclusion committees open to employees at different levels, including executive leadership participation. Empower diversity champions throughout the agency to promote events and lead discussions.
- Encourage all employees to take advantage of the Emerging Leaders Institute (ELI) and Senior Leaders Institute (SLI) Programs and encourage diverse employees to apply in communications about these opportunities.
- Establish mentorship programs to promote retention of employees belonging to a protected class by providing coaching opportunities Methods of Auditing, Evaluating, and Reporting Program Success

## Pre-Employment Review Procedure/Monitoring the Hiring Process

St. Cloud State University will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or individuals with disabilities. The university will use the monitoring the hiring process form for every hire to track the number of women, minorities, and individuals with disabilities in each stage of the selection process. Directors, managers, and supervisors will work closely with human resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out. Directors, managers, and supervisors will be asked to document their hiring decisions and Affirmative Action Officers will review for bias.

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

When candidates are invited to participate in the selection process, employees scheduling the selection process will describe the process format to the candidate (*e.g.*, interview process, testing process). All candidates will be provided information regarding the procedure to request reasonable accommodations if necessary to allow candidates with disabilities equal opportunity to participate in the selection process. For example, describe if interview questions are offered ahead of time or what technology may be used during a test. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the selection process.

All personnel involved in the selection process will be trained and accountable for the university's commitment to equal opportunity and the affirmative action program and its implementation.

A complete and comprehensive search and hiring procedures website

[https://www.stcloudstate.edu/employmentprocedures/default.aspx?utm\\_source=website&utm\\_medium=redirect](https://www.stcloudstate.edu/employmentprocedures/default.aspx?utm_source=website&utm_medium=redirect) is well established for department supervisors/managers, search personnel and

search committees. This site incorporates Human Resources and Affirmative Action pre-employment review process for classified and unclassified hiring.

## Pre-Review Procedure for Layoff Decisions

The Chief Human Resources Officer, in conjunction with the Equity & Affirmative Action Officer, shall be responsible for reviewing all pending layoffs to determine their effect on the university's affirmative action goals and timetables. The layoff determinations will be consistent with applicable collective bargaining agreements and personnel plans

<https://www.stcloudstate.edu/humanresources/union.aspx>.

If it is determined that there is an adverse impact on protected groups, the university will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. Additional conversations will take place with the respective vice-presidential areas and with consideration of collective bargaining unit contracts prior to any final layoff decisions. The university will also determine if other alternatives are available to minimize the impact on protected groups.

## Other Methods of Program Evaluation

The university submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the university's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report;
- The Office for Institutional Equity & Access maintains an internal record of all complaints that are filed with the office. This is not distributed anywhere else for confidentiality reasons.

The university also evaluates the Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category;
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact;
- Analyzes compensation program to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems and websites, and ensures that reasonable accommodations can be easily requested; and
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement.

## Appendix

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### Statewide Discrimination and Harassment Prohibited Policy

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

##### Part 1. Policy Statement

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

**Subpart B. Nondiscrimination.** No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, discrimination in employment based on familial status or membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination/ harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech. The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion.

This policy shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including but not limited to, its students, employees, applicants, volunteers, agents, and Board of Trustees, and is intended to protect the rights and privacy of both the complainant and *Page 2 Policy 1B.1*

respondent and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this policy shall be subject to disciplinary or other corrective action.

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

## **Part 2. Definitions.**

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

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

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

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

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.

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

**Subpart E. Protected Class.** For purposes of this policy:

1. Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, familial status and membership or activity in a local human rights commission are protected classes in employment.
2. This policy prohibits use of protected class status as a factor in decisions affecting education and employment where prohibited by federal or state law.

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

- a) made a complaint under this policy;
- b) assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- c) associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or
- d) Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement agencies, under any federal or state nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

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

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

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

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university;
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code.;

- 3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university;
- 4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
- 5. Are living in a college or university residence hall although not enrolled in, or employed by, the institution.

**Part 3. Consensual Relationships.** An employee of Minnesota State Colleges and Universities shall not enter into a consensual relationship with a student or an employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a relationship already exists, each college and university and system office shall develop a procedure to reassign evaluative authority as may be possible to avoid violations of this policy. This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household member where *Page 4 Policy 1B.1* the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

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

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

## Statewide Discrimination and Harassment Prohibited Procedure



Minnesota State Colleges and Universities  
 System Procedures  
 Chapter 1B – System Organization and Administration /  
 Equal Education and Employment Opportunity

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### Procedure 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution

#### Part 1. Purpose and Applicability.

**Subpart A. Purpose.** This procedure is designed to further implement Minnesota State Colleges and Universities policies relating to nondiscrimination by providing a process through

which individuals alleging violation of Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education may pursue a complaint. This includes allegations of retaliation, or discrimination or harassment based on sex, race, age, disability, color, creed, national origin, religion, sexual orientation, gender identity, gender expression, marital status, or status with regard to public assistance. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

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

A single act of discrimination or harassment may be based on more than one protected class status. For example, discrimination based on anti-Semitism may relate to religion, national origin, or both; discrimination against a pregnant woman might be based on sex, marital status, or both; discrimination against a transgender or transsexual individual might be based on sex or sexual orientation.

Not every act that may be offensive to an individual or group constitutes discrimination or harassment. Harassment includes action beyond the mere expression of views, words, symbols or thoughts that another individual finds offensive. To constitute a violation of Board Policy 1B.1, conduct must be considered sufficiently serious to deny or limit a student's or employee's ability to participate in or benefit from the services, activities, or privileges provided by Minnesota State Colleges and Universities.

**Subpart C. Scope.** This procedure is not applicable to allegations of sexual violence; allegations of sexual violence are handled pursuant to Board Policy 1B.3 Sexual Violence and System Procedure 1B.3.1. In addition, harassment and discrimination complaints not arising from alleged violations of Board Policy 1B.1, are to be addressed under other appropriate policies and established practices.

**Part 2. Definitions.** The definitions in Board Policy 1B.1 also apply to this procedure.

**Subpart A. Designated officer.** Designated officer means an individual designated by the president or chancellor to be primarily responsible for conducting an initial inquiry, determining whether to proceed with an investigation under this procedure, and investigating or coordinating the investigation of reports and complaints of discrimination/harassment in accordance with this procedure.

Prior to serving as the designated officer, the individual must complete investigator training provided by the system office.

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

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

**Subpart C. Retaliation.** Retaliation is as defined in Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education policy.

**Part 3. Consensual Relationships.** Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education prohibits consensual relationships between an employee and a student or another employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence, whether or not both parties appear to have consented to the relationship, except as noted.

Examples of prohibited consensual relationships include, but are not limited to:

- An employee and a student if the employee is in a position to evaluate or otherwise significantly influence the student's education, employment, housing, participation in athletics, or any other college or university activity (employee includes, for example, graduate assistants, administrators, coaches, advisors, program directors, counselors and residence life staff);
- A faculty member and a student who is enrolled in the faculty member's course, who is an advisee of the faculty member, or whose academic work is supervised or evaluated by the faculty member; and
- A supervisor and an employee under the person's supervision.

A faculty member or other employee is prohibited from undertaking a romantic or sexual relationship or permitting one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation.

If a consensual, romantic or sexual relationship exists between an employee and another individual and subsequent events create a supervisor/supervisee, faculty/student or similar relationship

between them, the person with evaluative or supervisory authority is required to report the relationship to his or her supervisor so that evaluative functions can be reassigned if possible.

This procedure does not cover consensual relationships between individuals that do not require one to exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence over the other.

This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a person with whom they have a consensual relationship where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

#### **Part 4. Reporting Incidents of Discrimination/Harassment.**

**Subpart A. Reporting an incident.** Any individual who believes she or he has been or is being subjected to conduct prohibited by Board Policy 1B.1 is encouraged to report the incident to the designated officer. The report/complaint should be brought as soon as possible after an incident occurs.

Any student, faculty member or employee who knows of, receives information about or receives a complaint of discrimination/harassment is strongly encouraged to report the information or complaint to the designated officer of the system office, college, or university.

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

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

**Subpart D. Reports against system office employees or Board of Trustees.** For reports/complaints that involve allegations against system office employees, the responsibilities identified in this procedure as those of the president are the responsibilities of

the chancellor. Reports/complaints that involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice chair of the Board for processing. Such reports/complaints may be assigned to appropriate system personnel or outside investigatory assistance may be designated.

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

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

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

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

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

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

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

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

1. **Jurisdiction.** The designated officer shall determine whether the report/complaint is one which should be processed through another system office, college or university procedure available to the complainant; if appropriate, the designated officer shall direct the complainant to that procedure as soon as possible.
2. **Conflicts.** The designated officer should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another designated officer shall be assigned.
3. **Information provided to complainant.** At the time the report/complaint is made, the designated officer shall:
  - a.) inform the complainant of the provisions of the Board Policy 1B.1 and this procedure;
  - b.) provide a copy of or Web address for Board Policy 1B.1 and this procedure to the complainant;
  - c.) determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement; and
  - d.) inform the complainant of the provisions of Board Policy 1B.1 prohibiting retaliation.
4. **Complaint documentation.** The designated officer shall insure that the complaint is documented in writing. The designated officer may request, but not require the complainant to document the complaint in writing using the complaint form of the system office, college or university.
5. **Information provided to the respondent.** At the time initial contact is made with the respondent, the designated officer shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy. At the initial meeting with the respondent, the designated officer shall:
  - a) provide a copy of or Web address for Board Policy 1B.1 and this procedure to the respondent;
  - b.) provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
  - c.) explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
  - d.) determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement; and
  - e.) inform the respondent of the provisions of Board Policy 1B.1 prohibiting retaliation.

6. **Investigatory process.** The designated officer shall:
  - a.) conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
  - b.) inform the witnesses and other involved individuals of the prohibition against retaliation;
  - c.) create, gather and maintain investigative documentation as appropriate;
  - d.) disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law; and
  - e.) handle all data in accordance with applicable federal and state privacy laws.
7. **Interim actions.**
  - a.) **Employee reassignment or administrative leave.** Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
  - b.) **Student summary suspension or other action.** Under appropriate circumstances, the president or designee may, in consultation with system legal counsel, summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.
8. **No basis to proceed.** At any point during the processing of the complaint, the designated officer may determine that there is no basis to proceed under Board Policy 1B.1. The designated officer shall refer the complaint as appropriate. The designated officer shall notify the complainant and respondent of the outcome as appropriate, in accordance with applicable data privacy laws.
9. **Timely Completion.** Colleges, universities and the system office must provide resources sufficient to complete the investigative process and issue a written response within 60 days after a complaint is made, unless reasonable cause for delay exists.

The designated officer shall notify the complainant and respondent if the written response is not expected to be issued within the 60 day period. The college, university or system office must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.

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

1. conduct or coordinate education/training;
2. facilitate voluntary meetings between the parties;
3. recommend separation of the parties, after consultation with appropriate system office, college or university personnel;
4. other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;
5. the system office, college or university may use alternative dispute resolution or mediation services as a method of resolving discrimination or harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint;
6. upon completion of the inquiry, the designated officer may dismiss or refer the complaint to others as appropriate.

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

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

1. a request that the designated officer conduct further investigative measures;
  2. a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law; and
  3. a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.
- b.) take other measures deemed necessary to determine whether a violation of Board Policy 1B.1 has been established;
- c.) when making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors;
- d.) determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline;
- e.) As appropriate, consistent with applicable state and federal data privacy laws, report in writing to the complainant, respondent and the designated officer her or his findings, and the basis for those findings, as to whether Board Policy 1B.1 has been violated.
- f.) Conduct that is determined not to have violated Board Policy 1B.1 shall be referred to another procedure for further action, if appropriate.

**Part 7. System Office, College, or University Action.** The system office, college, or university shall take the appropriate corrective action based on results of the investigation, and the designated officer shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates Board Policy 1B1.1, as well as allegations of retaliation.

Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the system office, college or university. In accordance with state law, the system office, college or university is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Employee Relations within 30 days of final disposition.

**Part 8. Appeal.**

**Subpart A. Filing an appeal.** The complainant or the respondent may appeal the decision of the decisionmaker. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision was improper. In a complaint against a president or other official who reports directly to the chancellor, an appeal may be considered by the chancellor whether or not the chancellor served as the decisionmaker.

**Subpart B. Effect of review.** For employees represented by a collective bargaining agreement, an appeal under this procedure is separate and distinct from, and is not in any way related to, any contractual protections or procedures. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes §14.

**Subpart C. Appeal process.** The president or designee shall review the record and determine whether to affirm or modify the decision. The president or designee may receive additional information if the president or designee believes such information would aid in the consideration of the appeal. The decision on appeal shall be made within a reasonable time and the complainant, respondent and designated officer shall be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

**Part 9. Education and Training.** The system office, colleges and universities shall provide education and training programs to promote awareness and prevent discrimination/harassment, such as educational seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, and informational resources. Education and training programs should include education about Board Policy 1B.1 and this procedure. All colleges and universities and the system office shall promote awareness of Board Policy 1B.1 and this procedure, and shall publicly identify the designated officer.

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

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

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

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*Approval Date: 02/17/97,  
Effective Date: 05/08/03,*

*Date and Subject of Revision:*

- 5/31/13 - The procedure has been amended to support the policy changes in the 1B.1 policy concerning gender identity and gender expression and an amendment to the following: Part 6, Subpart C, 9 - Clarified and moved language that had been stated included in Part 6, Subpart E. 2.e. Technical changes throughout for consistency.*
- 1/25/12 - The Chancellor amends all current system procedures effective February 15, 2012, to change the term "Office of the Chancellor" to "system office" or similar term reflecting the grammatical context of the sentence.*
- 1/31/07 - Procedure completely reviewed - Technical changes throughout. Part 3 - Revised to support the change in the 1B.1 policy concerning consensual relationships.*
- 4/02/03 - amended portions of the policy - Part 1 - added second paragraph, Part 2, Subpart A - added second paragraph, Part 2, Subpart B - added second paragraph, Part 3, Subpart D, 1, 2. - slight modifications, Part 5, Subpart G, 3. - slight modification, Part 6 - deleted last sentence, Part 7, Subpart A - deleted a sentence, Part 7, Subpart C - slight addition, Part 10 - added second paragraph, December 18, 2000 - amended the entire policy*

## **St. Cloud State University Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template**

# St. Cloud State University Discrimination/Harassment Complaint Form

Date: \_\_\_\_\_

Name of COMPLAINANT: \_\_\_\_\_  
(if more than one complainant, complete intake form for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Gender:    Male    Female    Transgender    Non-Binary    Non Gender Conforming    Other

Status:    Student    Faculty    Staff    Administrator    External/Non-Campus

Bargaining Unit \_\_\_\_\_ Do you request union representation?    Yes    No

TYPE OF COMPLAINT:                  DISCRIMINATION                  HARASSMENT                  RETALIATION

I WAS DISCRIMINATED/HARASSED/RETALIATED AGAINST ON THE BASIS OF MY:

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

I believe I was discriminated/harassed/retaliated against by:

Name of RESPONDENT # 1 \_\_\_\_\_  
(if more than one respondent, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Gender:    Male    Female    Transgender    Non-Binary    Non Gender Conforming    Other

Status:    Student    Faculty    Staff    Administrator    External/Non-Campus

Bargaining Unit \_\_\_\_\_ Do you request union representation?    Yes    No

Name of RESPONDENT #2: \_\_\_\_\_  
(if more than one respondent, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Gender: Male Female Transgender Non-Binary Non Gender Conforming Other

Status: Student Faculty Staff Administrator External/Non-Campus

Bargaining Unit \_\_\_\_\_ Do you request union representation? Yes  
No

Name of RESPONDENT #3: \_\_\_\_\_  
(if more than one respondent, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Gender: Male Female Transgender Non-Binary Non Gender Conforming Other

Status: Student Faculty Staff Administrator External/Non-Campus

Bargaining Unit \_\_\_\_\_ Do you request union representation? Yes  
No

Name of RESPONDENT #4: \_\_\_\_\_  
(if more than one respondent, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Gender: Male Female Transgender Non-Binary Non Gender Conforming Other

Status: Student Faculty Staff Administrator External/Non-Campus

Bargaining Unit \_\_\_\_\_ Do you request union representation? Yes  
No

EXPLAIN YOUR COMPLAINT IN DETAIL. INCLUDE THE FOLLOWING INFORMATION. ADD ADDITIONAL PAGES IF NECESSARY. ATTACH DOCUMENTS YOU BELIEVE MAY BE HELPFUL IN INVESTIGATING YOUR COMPLAINT.

1. Describe the specific incident(s) of discrimination/harassment/retaliation. List times, dates, locations, names and titles of the people involved in the incident(s).
2. Explain why you believe that you were discriminated/harassed/retaliated against because of your protected class status (race, age, gender, disability, etc.).
3. Provide the names and titles of people you believe were treated more favorably than you due to your protected class status. List the protected class status (race, age, gender, disability, etc.) of each person.

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LIST POTENTIAL WITNESSES YOU BELIEVE POSSESS INFORMATION ABOUT YOUR COMPLAINT. ADD ADDITIONAL PAGES IF NECESSARY.

Name of WITNESS #1: \_\_\_\_\_  
(if more than one witness, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

What information can this witness provide? \_\_\_\_\_

Name of WITNESS #2: \_\_\_\_\_  
(if more than one witness, list complete information for each)  
Address (local): \_\_\_\_\_  
Address (residence): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_  
What information can this witness provide? \_\_\_\_\_  
\_\_\_\_\_

Name of WITNESS #3: \_\_\_\_\_  
(if more than one witness, list complete information for each)  
Address (local): \_\_\_\_\_  
Address (residence): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_  
What information can this witness provide? \_\_\_\_\_  
\_\_\_\_\_

LIST DOCUMENTS YOU BELIEVE MAY HELP IN INVESTIGATING YOUR COMPLAINT. PROVIDE THE NAME, DATE AND EXPLANATION OF THE CONTENTS OF EACH DOCUMENT. ADD MORE PAGES IF NECESSARY.

NAME OF DOCUMENT #1: \_\_\_\_\_  
DATE: \_\_\_\_\_

EXPLANATION OF CONTENTS: \_\_\_\_\_

NAME OF DOCUMENT #2: \_\_\_\_\_  
DATE: \_\_\_\_\_

EXPLANATION OF CONTENTS: \_\_\_\_\_

NAME OF DOCUMENT #3: \_\_\_\_\_  
DATE: \_\_\_\_\_

EXPLANATION OF CONTENTS: \_\_\_\_\_

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# Statewide Sexual Harassment Prohibited Policy

## Statewide HR/LR Policy #1329: Sexual Harassment Prohibited

### Objective

To create a work environment free from sexual harassment of any kind.

### Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint with an appropriate authority. Any form of retaliation directed against an individual who complains about sexual harassment or who participates in any investigation concerning sexual harassment is strictly prohibited and will not be tolerated. Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

### Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

### Definitions and Key Terms

#### Complainant

An individual who complains about sexual harassment or retaliation.

#### Public service environment

A location that is not the workplace where public service is being provided.

#### Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

#### Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors

- Contractors
- Volunteers
- Customers
- Business Partners

## Exclusions

N/A

## Statutory References

42 U.S.C. § 2000e, et al.  
 M.S. Ch. 363A  
 M.S. Ch. 43A  
 Minn. Rule 3905.0500

## GENERAL STANDARDS AND EXPECTATIONS

### I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

- Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
- Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
- Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
- Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
- Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
- Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

## II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment with:

- A university supervisor;
- The university's affirmative action officer;
- An university's human resource office;
- University management, up to and including the president.

If the complaint concerns a university head, the complainant may contact Minnesota Management & Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a complaint of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

- The name, department, and position of the person(s) allegedly causing the harassment;
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
- The name(s) of other individuals who may have been subject to similar harassment;
- What, if any, steps have been taken to stop the harassment;
- Any other information the complainant believes to be relevant.

Individuals are encouraged to use the university's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR) or other legal channels.

## III. Supervisor Responsibility

Supervisors are responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
- When a complaint of sexual harassment has been made to the supervisor, or when the supervisor is otherwise aware that a problem exists, the supervisor must appropriately respond to the complaint or problem;

- Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer so that prompt and appropriate action can be taken;
- Complying with their agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

Supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

#### **IV. Human Resources Responsibilities**

Agency human resources offices are responsible for the following:

- Modeling appropriate behavior;
- Distributing the sexual harassment policy to all employees, through a method whereby receipt can be verified;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the university's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

#### **V. Affirmative Action Officer or Designee Responsibilities**

Agency Affirmative Action Officer/designee is responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the university's complaint and investigation procedures to ensure the prompt and appropriate action in response to complaints of sexual harassment;
- Keeping the university apprised of changes and developments in the law.

#### **VI. Investigation and Discipline**

All complaints of sexual harassment will be taken seriously, and prompt and appropriate action taken. When conducting an investigation, supervisors, human resources, and Affirmative Action Officers must follow their university's investigation procedures. For a sample investigation procedure, please review the documents available on the [MMB Equal Opportunity, Diversity, and Inclusion website](#), including:

- Agency AAP Planning Guide
- For agencies with more than 25 employees

- For agencies with 25 or fewer employees

Timely and appropriate corrective action will be taken when there is a violation of this policy. Employees who are found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in sexual harassment in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the university. Universities may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer universities to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false complaint of sexual harassment will be subject to disciplinary action, up to and including discharge.

## **VII. Non-Retaliation**

Retaliation against any person who reports sexual harassment or participates in an investigation of such reports is strictly prohibited. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

## **RESPONSIBILITIES**

### **Agencies are responsible for:**

- Adopting this policy.
- Disseminating this policy to university employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, including developing:
  - An educational program;
  - A process for reporting complaints; and
  - A procedure under which complaints will be addressed promptly.
  - Enforcing this policy.

**MMB is responsible for:**

- Ensuring that state agencies carry out their responsibilities under this policy and updating this policy as necessary.

**FORMS AND SUPPLEMENTS**

See acknowledgement form, below, which can be used to verify receipt by agency employees.

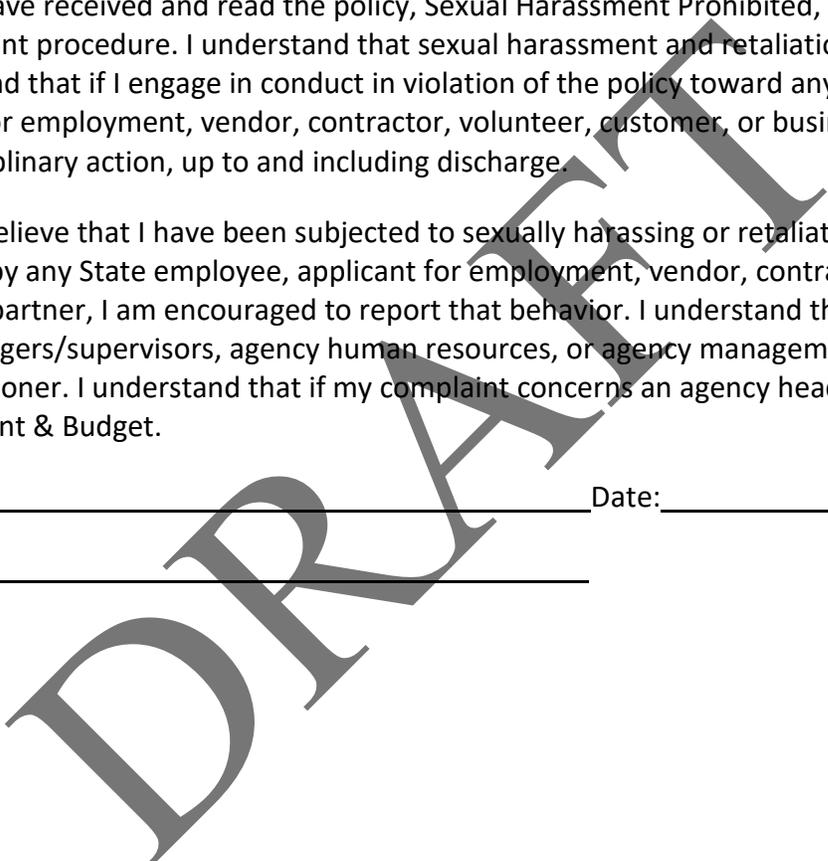
**Acknowledgement**

I acknowledge that I have received and read the policy, Sexual Harassment Prohibited, and accompanying complaint procedure. I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, applicant for employment, vendor, contractor, volunteer, customer, or business partner, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by this policy by any State employee, applicant for employment, vendor, contractor, volunteer, customer or business partner, I am encouraged to report that behavior. I understand that I can make a report to agency managers/supervisors, agency human resources, or agency management, up to and including the commissioner. I understand that if my complaint concerns an agency head, I may contact Minnesota Management & Budget.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_



**Board Policy 1B.3 Sexual Violence Policy**

**Part 1. Policy Statement**

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Minnesota State Colleges and Universities. Minnesota State 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 of other Board Policies that may require separate proceedings. To further its commitment against sexual



violence, Minnesota State provides reporting options, an investigative and disciplinary process, prevention training, and other related services as appropriate.

### **Subpart A. Application of policy to students, employees, Board of Trustees and others**

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

Reports of sexual violence committed on system property by individuals who are not students or employees are subject to appropriate actions by Minnesota State, 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 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 must be consistent with the standards in this policy and System Procedure 1B.3.1.

DRAFT



## Part 2. Definitions

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

### **Affirmative consent**

Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

### **Dating, intimate partner, and relationship violence**

Violence including physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota law.

### **Employee**

Any individual employed by Minnesota State, its colleges and universities and system office, including student workers.

### **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.

### **Sexual assault**

An actual, attempted, or threatened sexual act with another person without that person's affirmative 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 student codes of conduct and employee disciplinary standards. Sexual assault includes but is not limited to:

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

2. Involvement in any sexual act when the victim is unable to give consent.
3. Intentional and unwelcome touching of a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast); or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
4. Offensive sexual behavior directed at another, such as indecent exposure or voyeurism.

**Sexual violence**

A continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence.

**Stalking**

Conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause reasonable people to fear for their safety or the safety of others or to suffer substantial emotional distress.

**Student**

All persons who:

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

**System property**

The facilities and land owned, leased, or under the primary control of Minnesota State, its Board of Trustees, system office, colleges, and universities.

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Date of Adoption: 4/21/04  
Date of Implementation: 4/21/04  
Date of Last Review: 2/21/18

**Date and Subject of Amendments:**

2/21/18 – Amended Part 1, Subp. A to apply to the Board of Trustees as well. Amended Part 2, changed the word and definition of consent to affirmative consent. Applied the new formatting and writing styles to the entire policy.

No Additional HISTORY.



## Minnesota State Colleges and Universities System Procedures Chapter 1B – Equal Education and Employment Opportunity

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### Procedure 1B.3.1 Response to Sexual Violence

#### Part 1. Purpose

This procedure provides a process through which individuals alleging sexual violence may pursue a complaint, pursuant to Board Policy 1B.3 Sexual Violence Policy prohibiting sexual violence.

This procedure is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation and reprisal.

#### Part 2. Definitions

The definitions in Policy 1B.3 also apply to this procedure.

#### Campus security authority

Campus security authority includes the following categories of individuals at a college or university:

1. A college or university security department;
2. Any individual who has campus security responsibilities in addition to a college or university security department;
3. Any individual or organization identified in a college or university security policy as an individual or organization to which students and employees should report criminal offenses;
4. An official of a college or university who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings; advisors to recognized student organizations; and athletic coaches. Professional counselors, whose official responsibilities include providing mental health counseling, and who are functioning within the scope of their license or certification, are not included in this definition.

### Part 3. Reporting Incidents of Sexual Violence

#### Subpart A. Prompt reporting encouraged

Complainants of sexual violence may report incidents at any time, but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding.

Complainants are strongly encouraged to report incidents of sexual violence to law enforcement for the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor

services office, counseling and health care providers, campus Title IX coordinators, or Minnesota State Colleges and Universities campus security authorities for appropriate action.

#### **Subpart B. Assistance in reporting**

When informed of an alleged incident of sexual violence, all Minnesota State Colleges and Universities students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services, campus Title IX coordinator, or campus security authorities.

Campus security authorities, when informed of an alleged incident of sexual violence, shall promptly assist the complainant, as requested, including providing guidance in filing complaints with outside agencies, such as law enforcement; obtaining appropriate assistance from victim/survivor services or medical treatment professionals; and filing a complaint with campus officials responsible for enforcing the student conduct code or employee conduct standards.

When appropriate, Minnesota State Colleges and Universities may pursue legal action against a respondent, including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard. A college or university may take actions it deems necessary or appropriate in response to all protection, restraining, or no-contact orders.

#### **Part 4. Confidentiality of reporting Subpart A. Confidential reports**

Because of laws concerning government data contained in Minn. Stat. § 13 Government Data Practices, colleges and universities cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed healthcare professionals. Some off-campus reports also may be legally privileged by law, such as reports to clergy, private legal counsel, or healthcare professionals.

#### **Subpart B. Reports to campus security authorities**

Complainants of sexual violence may contact any campus security authority for appropriate assistance or to report incidents. Absolute confidentiality of reports made to campus security authorities cannot be promised. However, campus security authorities shall not disclose personally identifiable information about a complainant of sexual violence without the complainant's consent, except as may be required or permitted by law. There may be instances in which a college, university, or the system office determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In such instances, Minnesota State Colleges and Universities will investigate and take appropriate action, taking care to protect the identity of the complainant and any other reporter in accordance with this procedure.

#### **Subpart C. Required reports**

Any campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence shall follow college or university procedures for making a report for the annual crime statistics report. In addition, the campus security authority shall report to other school officials, as appropriate, such as the campus affirmative action office, the campus office responsible for administering the student conduct code, and/or the

designated Title IX compliance coordinator, in order to initiate any applicable investigative or other resolution procedures.

Campus security authorities may be obligated to report to law enforcement the fact that a sexual assault has occurred, but the name of or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or permitted by law.

## **Part 5. Policy notices Subpart A. Distribution of policy to students**

Each college or university shall, at a minimum, at the time of registration make available to each student information about its sexual violence policy and procedure, including its online reporting system that allows for anonymous reporting, and shall additionally post a copy of its policy and procedure at appropriate locations on campus at all times. A college or university may distribute its policy and procedure by posting on an Internet or Intranet website, provided all students are directly notified of how to access the policy by an exact address, and that they may request a paper copy.

### **Subpart B. Distribution of policy to employees**

Colleges, universities, and the system office shall make available to all employees a copy of the sexual violence policy and procedure. Distribution may be accomplished by posting on an Internet or Intranet website, provided all employees are directly notified of the exact address of the policy and procedure as well as the option of receiving a paper copy upon request.

### **Subpart C. Required notice**

Each college or university shall have a sexual violence policy, which must include the notice provisions in this part.

#### **1. Notice of complainant options**

Following a report of sexual violence the complainant must be promptly notified of:

- a. Where and how to obtain immediate medical assistance. Complainants should be informed that timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator. Complainants should be told, however, that they may report incidents of sexual violence at any time.
- b. Where and how to report incidents of sexual violence to local law enforcement officials, and/or appropriate college, university, or system contacts for employees, students, and others. Such contacts should be identified by name, location, and phone number for 24-hour availability, as applicable.
- c. Resources for where and how complainants may obtain on- or off-campus counseling, mental health, or other support services.

#### **2. Notice of complainant rights**

Complainants must be notified of the following:

- a. Their right to file criminal charges with local law enforcement officials in sexual assault cases;

- b. Rights under the crime victims bill of rights, Minn. Stat. §§ 611A.01 – 611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety;
- c. Availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing, and maintaining evidence in connection with a sexual violence incident;
- d. Assistance available from campus authorities in preserving for a sexual violence complainant materials relating to a campus disciplinary proceeding;
- e. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately investigated and resolved;
- f. Upon a sexual assault complainant's request, the college, university, or system office may take action to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or to a work site or to alternative college-owned housing, if such alternatives are available and feasible.
- g. Upon the request of the complainant, students who reported sexual assaults to the college or university and subsequently chose to transfer to another college or university will be provided with information about resources for victims of sexual assault at the college or university to which the complainant is transferring.

**Part 6. Investigation and Disciplinary Procedures Subpart A. Immediate action**

A college or university may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated Board Policy 1B.3, in accordance with the procedures in System Procedure 1B.1.1. Such action must be consistent with the applicable collective bargaining agreement or personnel plan.

A college or university may summarily suspend or take other temporary measures against a student alleged to have committed a violation of Board Policy 1B.3, in accordance with System Procedure 1B.1.1 or Board Policy 3.6.

**Subpart B. General principles**

Colleges, universities, and the system office shall use System Procedure 1B.1.1

Report/Complaint of Discrimination/Harassment Investigations and Resolution when investigating complaints of sexual violence. Procedures used in response to a complaint of sexual violence should avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization.

College and university investigation and disciplinary procedures concerning allegations of sexual violence against employees or students must:

1. Be respectful of the needs and rights of individuals involved and treat them with dignity;
2. Not suggest to the complainant that he or she was at fault for the sexual assault or should have behaved differently to prevent the assault;
3. Proceed as promptly as possible;

4. Permit a student complainant and a student respondent to have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures and applicable data practices law;
5. Afford employees the right to representation consistent with the appropriate collective bargaining agreement or personnel plan;
6. Be conducted in accordance with applicable due process standards and privacy laws;
7. Simultaneously inform both the complainant and respondent of the outcome in a timely manner, as permitted by applicable privacy law.
8. Be based on a preponderance of evidence standard, meaning that it is more likely than not that the policy, procedure, or code has been violated.

The past sexual history of the complainant and respondent must be deemed irrelevant except as that history may directly relate to the incident being considered.

A respondent's use of any drug, including alcohol, judged to be related to an offense may be considered to be an exacerbating rather than mitigating circumstance.

#### **Subpart C. Relationship to parallel proceedings**

In general, college, university, and system office investigation and disciplinary procedures for allegations of sexual violence will proceed independent of any action taken in criminal or civil courts. A college or university need not, and in most cases should not, delay its proceedings while a parallel legal action is ongoing. If a college or university is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for college, university, and system office procedures.

#### **Subpart D. Memorandum of understanding with local law enforcement**

Each college or university shall enter into a memorandum of understanding with the primary law enforcement agencies that serve their campus(es). Prior to the start of each academic year, each college or university shall distribute an electronic copy of the MOU to all employees on the campus that are subject to the memorandum. Colleges and universities are exempt from the MOU requirement if they and local or county law enforcement agencies establish a sexual assault protocol team to facilitate effective cooperation and collaboration between the college or university and law enforcement.

#### **Subpart E. False statements prohibited**

Colleges, universities, and the system office take allegations of sexual violence very seriously and recognizes the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual violence, or who provides false information during the investigation of such a complaint or report, may be subject to discipline or, under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false.

### **Subpart F. Withdrawn complaint**

If a complainant no longer desires to pursue a complaint through the college's or university's proceeding, the college or university reserves the right to investigate and resolve the complaint as it deems appropriate.

### **Subpart G. Discretion to pursue certain allegations**

Minnesota State Colleges and Universities reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of the college, or university, or system office.

### **Subpart H. Sanctions**

Sanctions that may be imposed if a finding is made that sexual violence has occurred include, but are not limited to, suspension, or expulsion of students, or termination from employment for employees. The appropriate sanction will be determined on a case-by-case basis, taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

Witnesses or victims who report in good faith an incident of sexual violence will not be sanctioned by the college, university, or system office for admitting in the report to a violation of the student conduct policy on the use of alcohol or drugs.

### **Subpart I. Retaliation prohibited**

Actions by a student or employee intended as retaliation, reprisal, or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

## **Part 7. Sexual Violence Prevention and Education.**

### **Subpart A. Campus-wide training**

Colleges, universities, and the system office shall:

1. Include in their sexual violence policy a description of educational programs that they offer to students and employees to promote the awareness of sexual violence offenses, including sexual violence prevention measures and procedures for responding to incidents;
2. Provide training on awareness of sexual violence prevention measures and procedures for responding to incidents of sexual violence. At a minimum, all incoming students and all new employees must be provided with this training;
3. Emphasize in their educational programs the importance of preserving evidence for proof of a criminal offense, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and risk associated with the perpetration of sexual violence.

## **Subpart B. Other training and education**

Colleges and universities and affiliated student organizations are encouraged to develop educational programs, brochures, posters, and other means of information to decrease the incidence of sexual violence and advise individuals of the legal and other options available if they are the complainants of an incident or if they learn of such an incident.

## **Subpart C. Training for individuals charged with decision-making authority**

Prior to serving as either an investigator or decision maker for complaints under this procedure, administrators shall complete investigator or decision-maker training provided by the system office.

Investigators/decisionmakers, campus security officers, and anyone else involved in the adjudication process must receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

## **Part 8. Maintenance of report/complaint procedure documentation**

Data that is collected, created, received, maintained, or disseminated about incidents of sexual violence will be handled in accordance with the privacy requirements of Minn. Stat. § 13 Government Data Practices and other applicable laws.

Information on reports of incidents of sexual violence that are made to Campus Security

Authorities must be documented in accordance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, codified at 20 U.S.C. § 1092 (f). The information will be used to report campus crime statistics on college and university campuses as required by the Clery Act.

During and upon the completion of the complaint process, the complaint file must be maintained in a secure location. Access to complaint file information, including information stored electronically, must be in accordance with the applicable collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act, and other applicable law and policy.

Each college, university and the system office shall annually report statistics on sexual assaults to the Minnesota Office of Higher Education. Additionally, the report must be published on each college and university website in accordance with state law.

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*Date of Adoption:* 05/17/04

*Date of Implementation:* 05/17/04

*Date of Last Review:* 07/13/16

*Date and Subject of Amendments:*

*7/13/16 - The procedure was amended to comply with recent state legislation regarding sexual assault. Applied the new formatting and writing styles which resulted in multiple technical edits.*

*2/13/14 - The procedure was amended to better comport with recent legislative changes regarding sexual violence.*

*1/25/12 - The Chancellor amends all current system procedures effective February 15, 2012, to change the term "Office of the Chancellor" to "system office" or similar term reflecting the grammatical context of the sentence.*

## **Acknowledgement**

St. Cloud State University employees are required to complete Preventing Discrimination and Sexual Violence: Title IX, Clery Act, and VAWA online training annually. Completion of the training is verified by e-signature of each employee verifying that they have reviewed the policies for the university and that they understand the contents of the training. Completion certificates are stored in the training program system and reports can be pulled to verify completion. For employees that do not comply with the training mandate, their supervisor is notified, and the employee is directly contacted by human resources. Failure to complete the training results in a verbal warning, and a write up from Human Resources.

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

### **OBJECTIVE**

The goals of this policy are:

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

### **Policy Statement**

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

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

## Scope

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

## Definitions

**Applicant-** A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

**Americans with Disabilities Act (ADA) Coordinator-** Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

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

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

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

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

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

**Individual with a Disability-** An individual who:

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

**Qualified Individual with a Disability-** An individual who:

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

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

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

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

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

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

- Providing a sign language interpreter; or
- Providing a reassignment to a vacant position.

**Reassignment-** Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

**Support Person-** Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

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

## Exclusions

N/A

## Statutory References

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

## GENERAL STANDARDS AND EXPECTATIONS

### Individuals who may request a reasonable accommodation include:

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

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

## How to request a reasonable accommodation

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

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

## Timing of the request

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

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

## Form of the request

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

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

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

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

Agency request forms can be found at: <https://www.stcloudstate.edu/oea/policies/ada/ra-request.aspx>.

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry

may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

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

### **The interactive process entails**

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

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

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

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

The university ADA Coordinator shall be consulted when:

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

### **University responsibilities for processing the request**

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

## President

The president of the university has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

## ADA Coordinator

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

## Supervisors and Managers

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

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

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

## Analysis for processing requests

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

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

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

## Obtaining medical documentation in connection with a request for reasonable accommodation

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

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

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

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted.

**Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by the agency ADA Coordinator, if appropriate.

## Confidentiality requirements

### Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-

medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

The agency ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

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

### **Accommodation Information**

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

### **General Information**

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

### **Approval of requests for reasonable accommodation**

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will

inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

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

### **Funding for reasonable accommodations**

The agency must specify how the agency will pay for reasonable accommodations.

### **Procedures for reassignment as a reasonable accommodation**

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

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

### **Denial of requests for reasonable accommodation**

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

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

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

## Consideration of undue hardship

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

## Determining direct threat

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

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

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

## Appeals process in the event of denial

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

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

## Information tracking and records retention

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

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

## RESPONSIBILITIES

### Agencies are responsible for the request:

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

### MMB is responsible for:

- Provide advice and assistance to state agencies and maintain this policy.

### Please review the following forms:

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

## REFERENCES

- [U.S. Equal Employment Opportunity Commission](#), *Enforcement Guidance*
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).

- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

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

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

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

[Executive Order 14-14, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs agencies to make efforts to hire more individuals with disabilities and report on progress.

## CONTACTS

Equal Opportunity Office at Minnesota Management and Budget via [ADA.MMB@state.mn.us](mailto:ADA.MMB@state.mn.us)

# Request for Reasonable Accommodation Form

State of Minnesota – (Agency) _____ Date: _____	Questions to document the reason for the accommodation request (please attach additional pages if necessary).
<b>Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form</b>	What, if any, job function are you having difficulty performing? _____
The State of Minnesota is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.	What, if any, employment benefits are you having difficulty accessing? _____
Employee/Applicant Name: _____	What limitation, as result of your physical or mental impairment, is interfering with your ability to perform your job or access an employment benefit? _____
Job Title: _____	If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job? _____
Work Location: _____ Phone Number: _____	Information Pertaining to Medical Documentation: In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.
<b>Data Privacy Statement:</b> This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.	<b>This form does not cover, and the information to be disclosed should not contain, genetic information. “Genetic information” includes:</b> Information about an individual’s genetic tests; information about genetic tests of an individual’s family members; information about the manifestation of a disease or disorder in an individual’s family members (family medical history); an individual’s request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.
<b>Questions to clarify accommodation requested.</b>	
What specific accommodation are you requesting? _____	
If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, please explain. _____ _____	

[Employee/Applicant Request for ADA Reasonable Accommodation Form](#)



## Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

A copy of the University's weather and emergency evacuation plans can be found at: <http://www.stcloudstate.edu/emergency/procedures/default.aspx> or the Public Safety Department located at 526 4<sup>th</sup> Avenue South, St. Cloud, MN 56301.

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

Everyone has a responsibility to develop their own personal emergency evacuation plan, this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee in each University will work to develop a plan and consult the appropriate building and safety personnel. Safety Administration had ongoing conversations with the ADA Committee during the 2015-2016 academic year. Together the Safety Administration and ADA Committee plan to establish updated procedures in 2016-2017 academic year to establish an emergency phone application that can also be accessed on campus computers and the University website. We no longer intend to print emergency procedure material.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the University contact(s) below to request the type of assistance they may need.

Kevin Whitlock, Director of Public Safety, 320-308-3333, 526 4<sup>th</sup> Avenue South, St. Cloud, MN 56301, [pubsafe@stcloudstate.edu](mailto:pubsafe@stcloudstate.edu)

### Evacuation Options:

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

- **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- **Stairway evacuation:** Using steps to reach ground level exits from building;
- **Shelter in place:** Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;

- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or
- **For agencies equipped with an evacuation chair:** Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If an agency is equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair.

## Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- **Visual disabilities:** The agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

## Severe Weather Evacuation Options:

Individuals in need of assistance during an evacuation have three evacuation options based on their location in their building:

- **Horizontal evacuation:** If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
- **Elevator evacuation:** If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- **Shelter in Place:** Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

DRAFT

# Utilization Analysis Tables and Two-Factor Worksheets

SYSTEM OFFICE/COLLEGE/UNIVERSITY  
 JOB CATEGORY AVAILABILITY/UTALIZATION/UNDERUTILIZATION ANALYSIS & ANNUAL GOALS  
 Worksheet for comparing incumbency to availability and setting goals to correct underutilization.

2018 WOMEN									
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Census Availability %	Census Availability Number	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	27	12	44.44%	40.40%	11	-1	-1	Improved	0
Professionals	328	168	51.22%	55.40%	182	14	-4	Improved	18
Faculty	770	371	48.18%	55.40%	427	56	-11	Improved	67
Protective Services: Sworn	0	0	#DIV/0!	19.40%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	52.90%	0	0	0	Same	0
Office Clerical /Paraprofessionals	177	165	93.22%	64.10%	113	-52	-55	Improved	3
Technicians	31	23	74.19%	56.20%	17	-6	0	Not Improved	-6
Skilled Craft	36	<10	2.78%	5.50%	2	1	1	Same	0
Service Maintenance	87	25	28.74%	42.80%	37	12	12	Same	0
<b>Totals</b>	<b>1456</b>	<b>765</b>	<b>52.54%</b>						

2018 MINORITIES									
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	27	<10	7.41%	21.70%	6	4	0	Improved	4
Professionals	328	29	8.84%	24.70%	81	52	1	Improved	51
Faculty	770	147	19.09%	24.70%	190	43	36	Improved	7
Protective Services: Sworn	0	0	#DIV/0!	35.40%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	28.20%	0	0	0	Same	0
Office Clerical /Paraprofessionals	177	<10	1.13%	30.00%	53	51	17	Improved	34
Technicians	31	<10	3.23%	29.00%	9	8	3	Improved	5
Skilled Craft	36	<10	2.78%	30.70%	11	10	3	Improved	7
Service Maintenance	87	<10	4.60%	43.50%	38	34	13	Improved	21
<b>Totals</b>	<b>1456</b>	<b>186</b>	<b>12.77%</b>						

2018 INDIVIDUALS WITH DISABILITIES									
Job Categories	Total Employees in Job Group	Total Number of Indiv./ with Disabilities in Group	% of Indiv. w/ Disabilities in the Group	Availability %	Availability Number	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	27	<10	3.70%	7.00%	2	1	1	Same	0
Professionals	328	<10	1.83%	7.00%	23	17	8	Improved	9
Faculty	770	14	1.82%	7.00%	54	40	42	Not Improved	-2
Protective Services: Sworn	0	0	#DIV/0!	7.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	7.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	177	<10	1.69%	7.00%	12	9	12	Not Improved	-3
Technicians	31	0	0.00%	7.00%	2	0	2	Not Improved	-2
Skilled Craft	36	0	0.00%	7.00%	3	3	3	Same	0
Service Maintenance	87	<10	1.15%	7.00%	6	5	6	Not Improved	-1
<b>Totals</b>	<b>1456</b>	<b>25</b>	<b>1.72%</b>						

2018 VETERANS									
Job Categories	Total Employees in Job Group	Total Number of Veterans in Group	% of Veterans in the Group	Availability %	Availability Number	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	27	<10	3.70%	8.00%	2	1	2	Not Improved	-1
Professionals	328	<10	2.44%	8.00%	26	18	10	Improved	8
Faculty	770	<10	0.91%	8.00%	62	55	50	Improved	5
Technicians	31	0	0.00%	8.00%	2	2	2	Same	0
Protective Services: Sworn	0	0	#DIV/0!	8.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	8.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	177	<10	1.69%	8.00%	14	11	14	Not Improved	-3
Skilled Craft	36	<10	2.78%	8.00%	3	2	3	Not Improved	-1
Service Maintenance	87	<10	4.60%	8.00%	7	3	7	Not Improved	-4
<b>Totals</b>	<b>1456</b>	<b>24</b>	<b>1.65%</b>						

Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010).. released in March of 2013. Statistics for individuals with disabilities and veterans are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).

**SYSTEM OFFICE/COLLEGE/UNIVERSITY**

**JOB CATEGORY AVAILABILITY/UTILIZATION/UNDERUTILIZATION ANALYSIS & ANNUAL GOALS**

Worksheet for comparing incumbency to availability and setting goals to correct underutilization.

Factored using 2010 Minnesota Statewide Labor Force Availability for the Two Factor Analysis, and 2010 National Labor Force Availability for Census Availability

2018 WOMEN											
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Census Availability %	Census Availability Number	Two Factor availability (two factor computation)	Two Factor Availability	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	27	12	44.44%	40.40%	11	48.90%	13	-1	-1	Same	0
Professionals	328	168	51.22%	55.40%	182	50.66%	166	14	-4	Improved	18
Faculty	770	371	48.18%	55.40%	427	54.82%	422	56	-11	Improved	67
Protective Services: Sworn	0	0	#DIV/0!	19.40%	0	0.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	52.90%	0	0.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	177	165	93.22%	64.10%	113	67.64%	120	-52	-55	Improved	3
Technicians	31	23	74.19%	56.20%	17	61.94%	19	-6	0	Not Improved	-6
Skilled Craft	36	<10	2.78%	5.50%	2	3.15%	1	1	1	Same	0
Service Maintenance	87	25	28.74%	42.80%	37	44.40%	39	12	12	Same	0
Totals	1456	765	52.54%								

2018 MINORITIES											
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	Two Factor availability (two factor computation)	Two Factor Availability	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	27	<10	7.41%	21.70%	6	5.70%	2	4	0	Improved	4
Professionals	328	29	8.84%	24.70%	81	7.84%	26	52	1	Improved	51
Faculty	770	147	19.09%	24.70%	190	6.74%	52	43	36	Improved	7
Protective Services: Sworn	0	0	#DIV/0!	35.40%	0	0.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	28.20%	0	0.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	177	<10	1.13%	30.00%	53	5.73%	10	51	17	Improved	34
Technicians	31	<10	3.23%	29.00%	9	5.30%	2	8	3	Improved	5
Skilled Craft	36	<10	2.78%	30.70%	11	4.40%	2	10	3	Improved	7
Service Maintenance	87	<10	4.60%	43.50%	38	19.50%	17	34	13	Improved	21
Totals	1456	186	12.77%								

2018 INDIVIDUALS WITH DISABILITIES											
Job Categories	Total Employees in Job Group	Total Number of Indiv. w/ Disabilities in Group	% of Indiv. w/ Disabilities in the Group	Availability %	Availability Number	Two Factor availability (two factor computation)	Two Factor Availability	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	27	<10	3.70%	7.00%	2	5.25%	1	1	1	Same	0
Professionals	328	<10	1.83%	7.00%	23	4.25%	14	17	8	Improved	9
Faculty	770	14	1.82%	7.00%	54	4.27%	33	40	42	Not Improved	-2
Protective Services: Sworn	0	0	#DIV/0!	7.00%	0	0.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	7.00%	0	0.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	177	<10	1.69%	7.00%	12	3.82%	7	9	12	Not Improved	-3
Technicians	31	0	0.00%	7.00%	2	3.50%	1	0	2	Not Improved	-2
Skilled Craft	36	0	0.00%	7.00%	3	3.50%	1	3	3	Same	0
Service Maintenance	87	<10	1.15%	7.00%	6	7.00%	6	5	6	Not Improved	-1
Totals	1456	25	1.72%								

2018 VETERANS											
Job Categories	Total Employees in Job Group	Total Number of Veterans in Group	% of Veterans in the Group	Availability %	Availability Number	Two Factor availability (two factor computation)	Two Factor Availability	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	27	<10	3.70%	8.00%	2		0	1	2	Not Improved	-1
Professionals	328	<10	2.44%	8.00%	26		0	18	10	Improved	8
Faculty	770	<10	0.91%	8.00%	62		0	55	50	Improved	5
Technicians	31	0	0.00%	8.00%	2		0	2	2	Same	0
Protective Services: Sworn	0	0	#DIV/0!	8.00%	0		0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	8.00%	0		0	0	0	Same	0
Office Clerical /Paraprofessionals	177	<10	1.69%	8.00%	14		0	11	14	Not Improved	-3
Skilled Craft	36	<10	2.78%	8.00%	3		0	2	3	Not Improved	-1
Service Maintenance	87	<10	4.60%	8.00%	7		0	3	7	Not Improved	-4
Totals	1456	24	1.65%								

Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010), released in March of 2013. Statistics for individuals with disabilities and veterans are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).

Termination	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Total Separations	<10	100.00%	4	100.00%	0	0.00%	0	0.00%	0	0.00%

SKILLED CRAFT										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Resignations	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Reduction in Workforce	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Retirement	<10	50.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Transfer	<10	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Lay-off	<10	50.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Termination	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Total Separations	<10	100.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%

SERVICE MAINTENANCE										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Resignations	<10	22.22%	1	50.00%	0	0.00%	0	0.00%	0	0.00%
Reduction in Workforce	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Retirement	<10	77.78%	1	14.29%	0	0.00%	0	0.00%	0	0.00%
Transfer	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Lay-off	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Termination	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Total Separations	<10	100.00%	2	22.22%	0	0.00%	0	0.00%	0	0.00%

DRAFT

2017 INDIVIDUALS WITH DISABILITIES									
Job Categories	Total Employees in Job Group	Total Number of Indiv./ with Disabilities in Group	% of Indiv. w/ Disabilities in the Group	Availability %	Availability Number	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	42	<10	2.38%	7.00%	3	2	1	Improved	1
Professionals	343	<10	2.33%	7.00%	24	16	8	Improved	8
Faculty	828	12	1.45%	7.00%	58	46	42	Improved	4
Protective Services: Sworn	0	0	#DIV/0!	7.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	7.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	186	<10	0.54%	7.00%	13	12	12	Same	0
Technicians	31	0	0.00%	7.00%	2	0	2	Not Improved	-2
Skilled Craft	35	0	0.00%	7.00%	2	2	3	Not Improved	-1
Service Maintenance	97	0	0.00%	7.00%	7	7	6	Improved	1
Totals	1562	22	1.41%						

2017 VETERANS									
Job Categories	Total Employees in Job Group	Total Number of Veterans in Group	% of Veterans in the Group	Availability %	Availability Number	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	42	<10	2.38%	8.00%	3	2	2	Same	0
Professionals	343	<10	2.33%	8.00%	27	19	10	Improved	9
Faculty	828	<10	0.72%	8.00%	66	60	50	Improved	10
Protective Services: Sworn	0	0	#DIV/0!	8.00%	0	0	2	Not Improved	-2
Protective Services: Non-Sworn	0	0	#DIV/0!	8.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	186	<10	2.15%	8.00%	15	11	0	Same	11
Technicians	31	<10	3.23%	8.00%	2	1	14	Not Improved	-13
Skilled Craft	35	<10	2.86%	8.00%	3	2	3	Not Improved	-1
Service Maintenance	97	<10	3.09%	8.00%	8	5	7	Not Improved	-2
<b>Totals</b>	<b>1562</b>	<b>24</b>	<b>1.54%</b>						

2017 WOMEN											
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Census Availability %	Census Availability Number	Two Factor availability (two factor computation)	Two Factor Availability	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	42	16	38.10%	40.40%	17	38.51%	16	1	-1	Improved	2
Professionals	343	174	50.73%	55.40%	190	48.57%	167	16	-4	Improved	20
Faculty	828	410	49.52%	55.40%	459	55.08%	456	49	-11	Improved	60
Protective Services: Sworn	0	0	#DIV/0!	19.40%	0	0.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	52.90%	0	0.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	186	175	94.09%	64.10%	119	69.20%	129	-56	-55	Not Improved	-1
Technicians	31	23	74.19%	56.20%	17	49.24%	15	-6	0	Not Improved	-6
Skilled Craft	35	<10	2.86%	5.50%	2	6.30%	2	1	1	Same	0
Service Maintenance	97	27	27.84%	42.80%	42	44.40%	43	15	12	Improved	3
<b>Totals</b>	<b>1562</b>	<b>826</b>	<b>52.88%</b>								

2017 MINORITIES											
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	Two Factor availability (two factor computation)	Two Factor Availability	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	42	<10	19.05%	21.70%	9	26.29%	11	1	0	Improved	1
Professionals	343	28	8.16%	24.70%	85	10.21%	35	57	1	Improved	56
Faculty	828	151	18.24%	24.70%	205	15.25%	129	54	36	Improved	18
Protective Services: Sworn	0	0	#DIV/0!	35.40%	0	0.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	28.20%	0	0.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	186	<10	1.61%	30.00%	56	5.25%	10	53	17	Improved	36
Technicians	31	<10	6.45%	29.00%	9	18.18%	6	7	3	Improved	4
Skilled Craft	35	0	0.00%	30.70%	11	8.80%	3	11	3	Improved	8
Service Maintenance	97	<10	5.15%	43.50%	42	19.50%	19	37	13	Improved	24
<b>Totals</b>	<b>1562</b>	<b>197</b>	<b>12.61%</b>								

2017 INDIVIDUALS WITH DISABILITIES											
Job Categories	Total Employees in Job Group	Total Number of Individ./ with Disabilities in Group	% of Individ. w/ Disabilities in the Group	Availability %	Availability Number	Two Factor availability (two factor computation)	Two Factor Availability	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	42	<10	2.38%	7.00%	3	2.63%	1	2	1	Same	1
Professionals	343	<10	2.33%	7.00%	24	6.77%	23	16	8	Same	8
Faculty	828	12	1.45%	7.00%	58	3.26%	27	46	42	Improved	4
Protective Services: Sworn	0	0	#DIV/0!	7.00%	0	0.00%	0	0	0	Same	0
Protective Services: Non-Sworn	0	0	#DIV/0!	7.00%	0	0.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	186	<10	0.54%	7.00%	13	3.50%	7	12	12	Same	0
Technicians	31	0	0.00%	7.00%	2	4.67%	1	0	2	Not Improved	-2
Skilled Craft	35	0	0.00%	7.00%	2	7.00%	2	2	3	Not Improved	-1
Service Maintenance	97	0	0.00%	7.00%	7	7.00%	7	7	6	Improved	1
<b>Totals</b>	<b>1562</b>	<b>22</b>	<b>1.41%</b>								

2017 VETERANS									
Job Categories	Total Employees in Job Group	Total Number of Veterans in Group	% of Veterans in the Group	Availability %	Availability Number	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	42	<10	2.38%	8.00%	3	2	2	Same	0
Professionals	343	<10	2.33%	8.00%	27	19	10	Improved	9
Faculty	828	<10	0.72%	8.00%	66	60	50	Improved	10
Protective Services: Sworn	0	0	#DIV/0!	8.00%	0	0	2	Not Improved	-2
Protective Services: Non-Sworn	0	0	#DIV/0!	8.00%	0	0	0	Same	0
Office Clerical /Paraprofessionals	186	<10	2.15%	8.00%	15	11	0	Same	11
Technicians	31	<10	3.23%	8.00%	2	1	14	Not Improved	-13
Skilled Craft	35	<10	2.86%	8.00%	3	2	3	Not Improved	-1
Service Maintenance	97	<10	3.09%	8.00%	8	5	7	Not Improved	-2
<b>Totals</b>	<b>1562</b>	<b>24</b>	<b>1.54%</b>						

Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010), released in March of 2013. Statistics for individuals with disabilities and veterans are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).

# Separation Analysis Tables

System Office/College/University Name

SEPERATION ANALYSIS 2016-2017

Worksheet for conducting separation analysis of protected group members as total separations and in each job category.

TOTAL SEPARATIONS										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	<10	1.79%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Resignations	37	33.04%	20	54.05%	4	10.81%	2	5.41%	0	0.00%
Reduction in Workforce	<10	0.89%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Retirement	52	46.43%	23	44.23%	1	1.92%	1	1.92%	0	0.00%
Transfer	<10	4.46%	3	60.00%	0	0.00%	0	0.00%	0	0.00%
Lay-off	<10	4.46%	3	60.00%	0	0.00%	0	0.00%	1	20.00%
Termination	10	8.93%	4	40.00%	1	10.00%	0	0.00%	0	0.00%
Total Separations	112	100.00%	53	47.32%	6	5.36%	3	2.68%	1	0.89%

OFFICIALS/ADMINISTRATORS										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Resignations	<10	44.44%	2	50.00%	1	25.00%	0	0.00%	0	0.00%
Reduction in Workforce	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Retirement	<10	22.22%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Transfer	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Lay-off	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Termination	<10	33.33%	2	66.67%	0	0.00%	0	0.00%	0	0.00%
Total Separations	<10	100.00%	4	44.44%	1	11.11%	0	0.00%	0	0.00%

PROFESSIONALS										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Resignations	13	43.33%	5	38.46%	1	7.69%	2	15.38%	0	0.00%
Reduction in Workforce	<10	3.33%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Retirement	10	33.33%	1	10.00%	0	0.00%	1	10.00%	0	0.00%
Transfer	<10	6.67%	1	50.00%	0	0.00%	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Termination	<10	13.33%	1	25.00%	1	25.00%	0	0.00%	0	0.00%
Total Separations	30	100.00%	8	26.67%	2	6.67%	3	10.00%	0	0.00%

FACULTY										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	<10	6.25%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Resignations	<10	21.88%	3	42.86%	1	14.29%	0	0.00%	0	0.00%
Reduction in Workforce	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Retirement	21	65.63%	10	47.62%	1	4.76%	0	0.00%	0	0.00%
Transfer	<10	3.13%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Termination	<10	3.13%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total Separations	32	100.00%	13	40.63%	2	6.25%	0	0.00%	0	0.00%

OFFICE/CLERICAL										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Resignations	<10	33.33%	6	100.00%	1	16.67%	0	0.00%	0	0.00%
Reduction in Workforce	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Retirement	10	55.56%	10	100.00%	0	0.00%	0	0.00%	0	0.00%
Transfer	<10	5.56%	1	100.00%	0	0.00%	0	0.00%	0	0.00%
Lay-off	0	0.00%	2	#DIV/0!	0	#DIV/0!	0	#DIV/0!	1	#DIV/0!
Termination	<10	5.56%	1	100.00%	0	0.00%	0	0.00%	0	0.00%
Total Separations	18	100.00%	20	111.11%	1	5.56%	0	0.00%	1	5.56%

TECHNICIANS										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Resignations	<10	50.00%	2	100.00%	0	0.00%	0	0.00%	0	0.00%
Reduction in Workforce	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Retirement	<10	25.00%	1	100.00%	0	0.00%	0	0.00%	0	0.00%
Transfer	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Lay-off	<10	25.00%	1	100.00%	0	0.00%	0	0.00%	0	0.00%

Termination	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Total Separations	<10	100.00%	4	100.00%	0	0.00%	0	0.00%	0	0.00%

SKILLED CRAFT										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Resignations	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Reduction in Workforce	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Retirement	<10	50.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Transfer	<10	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Lay-off	<10	50.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Termination	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Total Separations	<10	100.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%

SERVICE MAINTENANCE										
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities	Total Number of Veterans	Percentage of Veterans
Dismissal or Non-Certification	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Resignations	<10	22.22%	1	50.00%	0	0.00%	0	0.00%	0	0.00%
Reduction in Workforce	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Retirement	<10	77.78%	1	14.29%	0	0.00%	0	0.00%	0	0.00%
Transfer	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Lay-off	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Termination	0	0.00%	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Total Separations	<10	100.00%	2	22.22%	0	0.00%	0	0.00%	0	0.00%

## Other Relevant Information

[Insert additional relevant information here. Update the table contents.]

DRAFT