

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

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

This policy is directed at verbal or physical conduct that constitutes discrimination/harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech.

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

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

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

Inquiries regarding compliance should be referred to Barb Seiler, Affirmative Action Officer/Title IX Coordinator, Owens Hall 214B, 218/477-2229/V.

Copies of the Nondiscrimination policy and Complaint procedure are available from the Affirmative Action office, Owens 214B, 477-2229/V; the Office of Judicial Affairs, Comstock Memorial Union 222, 477-2174/V; or at www.mnstate.edu/affirm.

This information will be made available in alternate format, such as Braille, large print or audio cassette tape, upon request by contacting Disability Services at 218/477-5859/V or 1-800-627-3529 (MRS/TTY).

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1. TRANSMITTAL SHEET

Underutilization of Protected Group(s) by EEO-6 Job Groups:

JOB GROUP	PROTECTED GROUPS		
	MINORITIES	WOMEN	DISABLED
<i>Unclassified Employees:</i>			
Exec/Admn/Mgr	X		
Professionals:			
Non-Faculty	X		X
Faculty	X	X	X
<i>Classified Employees:</i>			
Exec/Admn/Mgr		X	
Professionals	X		X
Clerical & Secretarial	X		X
Technical & Paraprofessional	X	X	X
Skilled Craft	X	X	X
Service/Maintenance	X	X	X

Affirmative Action Officer

Date

President

Date

2. STATEMENT OF COMMITMENT

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

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

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

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

Roland Barden
President

Date

3. RESPONSIBILITY FOR IMPLEMENTATION

President

As the primary administrator of MSUM, the President is responsible for overseeing MSUM's equal opportunity and affirmative action (EO/AA) policies, procedures and programs as well as assuring compliance with all related state and federal laws, rules and regulations. Final disposition of all such issues resides with the President. The President shall:

1. Ensure that adequate staffing and resources are committed to implement MSUM and Minnesota State Colleges and Universities (MnSCU) policies in the area of EO/AA.
2. Appoint an Affirmative Action Officer/Title IX Coordinator (AAO) to assist in carrying out established EO/AA responsibilities.
3. Incorporate into the position description of all administrators a separate statement of responsibility for implementing EO/AA policies and procedures.
4. Review annually the job performance of administrators to evaluate responsibility for implementing MSUM's EO/AA policies and procedures.
5. Ensure that underutilized group members are included on respective committees throughout MSUM and that the various constituencies within MSUM are also represented subject to the provisions of collective bargaining agreements.
6. Provide MnSCU and the Minnesota Department of Employee Relations (DOER) with information regarding MSUM's efforts and accomplishments in meeting goals, following established laws, regulations, and procedures.

The President, Roland Barden, Owens Hall 203, 218/477-2243/V, is directly accountable to the Chancellor on all matters relating to EO/AA at MSUM.

Affirmative Action Officer/Title IX Coordinator

The AAO shall assist the President in carrying out EO/AA responsibilities. To carry out this responsibility, the AAO shall:

1. Advise the President on EO/AA programs and issues.
2. Ensure that MSUM complies with federal/state laws and regulations, as well as MnSCU System policies and procedures pertaining to EO/AA.
3. Develop, monitor, implement, and evaluate MSUM EO/AA programs, plans, and guidelines.

4. Monitor the search and selection process for all unclassified positions at MSUM in accordance with established guidelines and procedures for recruitment.
5. Provide guidelines/recommendations to appropriate members of the MSUM community regarding EO/AA.
6. Prepare reports on EO/AA efforts and accomplishments.
7. Coordinate and/or promote EO/AA training and education programs for employees.
8. Serve as MSUM ombudsperson and primary resource for employees and students on EO/AA laws, regulations, policies, and procedures.
9. Review, investigate, and process complaints of discrimination/harassment, in accordance with the MnSCU 1B.1.1 Report/Complaints of Discrimination/Harassment Investigation and Resolution Procedure.

The AAO, Barb Seiler, Owens Hall 214B, 218/477-2229/V is accountable to the President for issues concerning complaints and investigations. In other areas, AAO Seiler is accountable to the Human Resources Director.

Administrative Supervisors (Vice Presidents, Deans, Executive Director of Public Relations, and Athletic Director)

Administrative Supervisors are responsible for enforcing and implementing EO/AA policies, procedures, and programs within their functional areas of responsibility. Administrative Supervisors shall:

1. Assure compliance with all EO/AA policies, plans, and procedures in their respective administrative units.
2. Assure that all employees within their administrative units are informed of MSUM's EO/AA policies, procedures, and practices.
3. Provide employee participation, as appropriate, for all MSUM efforts relating to EO/AA.
4. Provide input in preparing the Affirmative Action Plan.
5. Identify factors which may impede MSUM's pursuit of its EO/AA goals and objectives.

Accountability for Administrative Supervisors is reflected in MSUM's organization charts which are accessible on the Human Resources website at www.mnstate.edu/humanres/chartsrosters/index.htm.

Director of Human Resources

In addition to the responsibilities and duties described above for Administrative Supervisors, the Director of Human Resources shall:

1. Assume responsibility for affirmative action efforts for classified staff.
2. Monitor the recruitment and selection process of all classified positions at MSUM, in accordance with Minnesota Statutes 43.18 and 179.74, DOER Personnel Rules, applicable collective bargaining agreements, and Personnel plans.
3. Ensure that the recommendations of supervisors and others involved in the hiring process are based on job related criteria and are consistent with affirmative action goals and objectives.

Edward L. Choate, Director of Human Resources, Owens Hall 210C, 218/477-2066/V, is accountable to the President on compliance matters, labor agreements for unclassified employees, and personnel services for University administrators. In other areas, Human Resources Director Choate is accountable to the Vice President for Facilities and Administration.

4. AVAILABILITY OF AFFIRMATIVE ACTION PLAN

Upon approval by DOER, the Affirmative Action Plan will be available or posted at the following locations:

1. Affirmative Action office, Owens 214B
2. Human Resources office, Owens 210
3. Affirmative Action office website at www.mnstate.edu/affirm
4. A notice of its availability will be posted on the Affirmative Action bulletin board across from the International Programs office, Flora Frick 151

5. COMMUNICATION OF AFFIRMATIVE ACTION PROGRAM

The following measures will be used to inform the campus community and the public of MSUM's commitment to EO/AA in all employment and educational policies, procedures, programs, services, and opportunities:

Internal

1. See Section 4. Availability of Affirmative Action Plan for specific areas where the plan will be available or posted upon approval by DOER.
2. Employees will be notified of the approval of the Affirmative Action Plan and where copies can be accessed.
3. Information regarding the availability of the Affirmative Action Plan will be made available to employees and students upon request (See Section 4. Availability of Affirmative Action Plan).
4. Training will be provided to managers and supervisors on EO/AA issues (See Section 3. Responsibility for Implementation).
5. Recruitment brochures, job announcements, vacancy notices, and website home page will contain an equal opportunity statement.

External

1. See Section 4. Availability of Affirmative Action Plan for specific areas where the plan will be available or posted upon approval by DOER.
2. Job announcements, vacancy notices, website home page, letterhead, and other education or employment related materials developed by MSUM will contain an equal opportunity statement.
3. Information regarding the availability of the Affirmative Action Plan will be made available to all interested parties upon request.
4. Applicants for employment or enrollment, vendors, and suppliers will be informed of MSUM's EO/AA policy by including a statement on appropriate forms and applications.

6. NONDISCRIMINATION POLICY AND DISCRIMINATION/ HARASSMENT COMPLAINT PROCEDURE

The MnSCU Board of Trustees' 1B.1 Nondiscrimination in Employment and Education Opportunity Policy and the MnSCU 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure are available to all members of MnSCU, of which MSUM is a part.

In addition to the MnSCU complaint procedure, some employees have grievance procedures described in their respective collective bargaining agreements. Complaint procedures will be in accordance with applicable policies, rules, and collective bargaining agreements/personnel plans.



**Minnesota State Colleges and Universities
Board Policies
Chapter 1 - System Organization and Administration
Section B - Equal Education and Employment
Opportunity**

1B.1 Nondiscrimination in Employment and Education Opportunity

Part 1. Policy Statement. Minnesota State Colleges and Universities is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, or sexual orientation. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

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

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

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

This policy supersedes all existing system, college, and university non-discrimination policies.

Part 2. Definitions.

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

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

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

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

Subpart D. Employee. Minnesota State Colleges and Universities personnel include all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

Subpart E. Protected Class. Protected class for the purpose of this policy means that discrimination and harassment in employment and education are prohibited on the basis of: race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance or sexual orientation. In addition, membership or activity in a local human rights commission is a protected class in employment.

Subpart F. Retaliation. Retaliation includes, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she made a complaint under this policy or assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated; or associated with a person or group of persons who are disabled or are of a

different race, color, creed, religion, sexual orientation or national origin. Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

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

Subpart H. Student. “Student” means an individual who is:

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

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

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

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

Date of Implementation: 09/20/94

Date of Adoption: 09/20/94

Date and Subject of Revision:

6/21/06 – Amended policy to streamline and clarify language. Part 3 was amended to prohibit relations between employees and students or employees over whom the employee exercises direct or significant authority or influence. Amendments do not take effect until November 1, 2006

12/20/95 Added everything after the first paragraph.



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

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

Part 1. Purpose and Applicability.

Subpart A. Purpose. This procedure is designed to further implement Minnesota State Colleges and Universities policies relating to nondiscrimination by providing a process through which individuals alleging violation of Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity may pursue a complaint. This includes allegations of retaliation, or discrimination or harassment based on sex, race, age, disability, color, creed, national origin, religion, sexual orientation, marital status, or status with regard to public assistance. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

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

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

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

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

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

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

Prior to serving as the designated officer, the individual must complete investigator training provided by the Office of the Chancellor.

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

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

Subpart C. Retaliation. Retaliation means any action against a complainant or other individual because the individual:

- a. Participated in the investigation or resolution of a complaint under this procedure;
- b. Opposed conduct the individual believes was in violation of Board policy 1B.1.; or
- c. Associates with another individual who is protected from discrimination under Policy 1B.1.

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

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

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

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

If a consensual, romantic or sexual relationship exists between an employee and another individual and subsequent events create a supervisor/supervisee, faculty/student or similar relationship between them, the person with evaluative or supervisory authority is required to report the relationship to his or her supervisor so that evaluative functions can be reassigned if possible.

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

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

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 Office of the Chancellor, 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 Office of the Chancellor. 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 Office of the Chancellor Employees or Board of Trustees. For reports/complaints that involve allegations against Office of the Chancellor 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 Office of the Chancellor, 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 Office of the Chancellor, 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 Office of the Chancellor, 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 Office of the Chancellor, college or university.
5. **Information provided to the respondent.** At the time initial contact is made with the respondent, the designated officer shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy. At the initial meeting with the respondent, the designated officer shall:
 - a) provide a copy of or Web address for Board Policy 1B.1 and this procedure to the respondent;
 - b.) provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
 - c.) explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
 - d.) determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement; and
 - e.) inform the respondent of the provisions of Board policy 1B.1 prohibiting retaliation.
6. **Investigatory process.** The designated officer shall:
 - a.) conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
 - b.) inform the witnesses and other involved individuals of the prohibition against retaliation;
 - c.) create, gather and maintain investigative documentation as appropriate;
 - d.) disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law; and
 - e.) handle all data in accordance with applicable federal and state privacy laws.
7. **Interim Actions.**
 - a.) **Employee reassignment or administrative leave.** Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be

given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

b.) Student summary suspension or other action. Under appropriate circumstances, the president or designee may, in consultation with system legal counsel, summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

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

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

1. conduct or coordinate education/training;
2. facilitate voluntary meetings between the parties;
3. recommend separation of the parties, after consultation with appropriate Office of the Chancellor, 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 Office of the Chancellor, 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 Policy 1B.1 has been established;
 - c.) when making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors;
 - d.) determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline;
 - e.) As appropriate, consistent with applicable state and federal data privacy laws, report in writing to the complainant, respondent and the designated officer her or his findings, and the basis for those findings, as to whether Board policy 1B.1 has been violated. The written response to the complainant shall be provided within 60 days after a complaint is made unless reasonable cause for delay exists.
 - f.) Conduct that is determined not to have violated Board policy 1B.1 shall be referred to another procedure for further action, if appropriate.

Part 7. Office of the Chancellor, College, or University Action. The Office of the Chancellor, college, or university shall take the appropriate corrective action based on results of the investigation, and the designated officer shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates Board policy 1B.1.1, 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 Office of the

Chancellor, college or university. In accordance with state law, the Office of the Chancellor, 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 Chapter 14.

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

Part 9. Education and Training. The Office of the Chancellor, 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 Office of the Chancellor 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 Office of the Chancellor 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 Office of the Chancellor, 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.

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

Date and Subject of Revision:

01/31/07– Procedure completely reviewed – Technical changes throughout. Part 3 – Revised to support the change in the 1B.1 policy concerning consensual relationships.

04/02/03- 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

Designated Officers at MSU Moorhead

1. Allegations Against Employees, Including Student Employees

Barbara Seiler, Affirmative Action Officer/Title IX Coordinator
Owens 214B
Minnesota State University Moorhead
Moorhead, MN 56563
218/477-2229/V

2. Allegations Against Students

Becky Boyle Jones, Interim Judicial Affairs Officer
Comstock Memorial Union 222
Minnesota State University Moorhead
Moorhead, MN 56563
218/477-2174/V

NOTE: Allegations of violence will be handled under other appropriate policies/procedures, including the University's Zero Tolerance of Workplace Violence Policy and Plan, Sexual Violence Policy and Procedure, or the University's Student Conduct Code. For information or assistance regarding these policies/procedures contact:

Zero Tolerance of Workplace Violence Policy and Plan

Michael Parks, Director of Campus Security
Campus Security Office
1616 9th Ave. S.
Minnesota State University Moorhead
Moorhead, MN 56563
218/477-5869/V

Edward L. Choate, Director of Human Resources
Owens 210
Minnesota State University Moorhead
Moorhead, MN 56563
218/477-2066/V

Sexual Violence Policy and Procedure

Michael Parks, Director of Campus Security
Campus Security Office
1616 9th Ave. S.
Minnesota State University Moorhead
Moorhead, MN 56563
218/477-5869/V

Student Conduct Code

Becky Boyle Jones, Interim Judicial Affairs Officer
Comstock Memorial Union 222
Minnesota State University Moorhead
Moorhead, MN 56563
218/477-2174/V

In compliance with the Jeanne Clery Act, all alleged criminal activity will be reported to the MSUM Campus Security Office and/or the appropriate law enforcement agency.

For TTY Communication, contact the Minnesota Relay Service at 1-800-627-3529.

7. HIRING GOALS AND TIMETABLES

In order to identify hiring goals, a workforce analysis, availability analysis, and utilization analysis must be done. The components of these three analyses are addressed below, followed by the hiring goals for 2008-2010.

Workforce Analysis

The workforce analysis is one of the two major components of the Affirmative Action Plan's utilization analysis. The utilization analysis is actually composed of a "workforce" and "availability" analysis which results in the actual utilization. In spite of the interrelationships of workforce, availability and utilization, each is considered separately in the Affirmative Action Plan.

The net effort of the workforce analysis is to produce counts of employees by Federal EEO-6 occupational (job group) categories for higher education institutions (see Appendix A) and job groups for MSUM unclassified and classified employees (see Appendix B).

The workforce analysis shows a "snapshot" of MSUM's minority, gender, and disabled workforce. Workforce figures are based on FY 2007 data.

Employees at MSUM are broadly divided into the categories of unclassified and classified.

Unclassified Employees

Unclassified employees are those who are members of the following groups:

- Unit 209 - Inter Faculty Organization (IFO) bargaining unit
- Unit 211 - Minnesota State University Association of Administrative and Service Faculty (MSUAASF) bargaining unit
- Unit 220 - Administrators covered in the Personnel Plan for MnSCU Administrators

MSUM's workforce data for unclassified employees are shown in Table 1.

Classified Employees

Classified employees include those employed in the executive branch of the Minnesota Civil Service, and include members of the following bargaining units:

- Unit 202 - Craft, Maintenance, Labor - AFSCME, Council No. 6
- Unit 203 - Service - AFSCME, Council No. 6
- Unit 205 - Health Care Professionals - MN Nurses Association
- Unit 206 - Clerical, Office - AFSCME, Council No. 6
- Unit 207 - Technical - AFSCME, Council No. 6

Table 1
MINNESOTA STATE UNIVERSITY MOORHEAD
WORKFORCE, AVAILABILITY, AND UTILIZATION ANALYSIS

JOB GROUP	EEO-6 Code	Total # Employees	MINORITIES					WOMEN					PERSONS WITH DISABILITIES				
			UTILIZATION		AVAILABILITY		# Under-utilized	UTILIZATION		AVAILABILITY		# Under-utilized	UTILIZATION		AVAILABILITY		# Under-utilized
			# Min	% in Grp	# Avail	% Avail		# Wom	% in Grp	# Avail	% Avail		# Dis	% in Grp	# Avail	% Avail	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
<i>Unclassified Employees</i>																	
Exec, Admn, Mgr	A	20	2	10.0	3.6	17.8	1.6	10	50.0	7.8	38.8	0.0	2	10.0	2.3	11.3	0.3
Professional:																	
Non-Faculty	C	72	8	11.1	14.5	20.1	6.5	52	72.2	38.7	53.7	0.0	2	2.8	7.8	10.9	5.8
Faculty	B	287	34	11.8	57.4	20.0	23.4	121	42.2	132.9	46.3	11.9	3	1.0	31.3	10.9	28.3
<i>Classified Employees</i>																	
Exec, Admn, Mgr	A	2	0	0.0	0.1	5.1	0.1	0	0.0	0.8	37.8	0.8	0	0.0	0.2	11.3	0.2
Professional	C	50	0	0.0	4.0	8.0	4.0	27	54.0	26.9	53.8	0.0	2	4.0	5.5	10.9	3.5
Clerical/Secretarial	D	110	5	4.5	9.0	8.2	4.0	103	93.6	74.5	67.7	0.0	7	6.4	12.7	11.6	5.7
Technical/Paraprofessional	E	25	0	0.0	1.7	6.8	1.7	15	60.0	15.8	63.1	0.8	1	4.0	2.9	11.5	1.9
Skilled Craft	F	17	0	0.0	1.2	7.1	1.2	0	0.0	1.3	7.8	1.3	1	5.9	2.0	11.6	1.0
Service/Maintenance	G	47	3	6.4	6.7	14.3	3.7	12	25.5	20.5	43.6	8.5	2	4.3	5.4	11.4	3.4

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Availability (Ideal Goal) data for women and minorities in the unclassified and classified job groups are based on data provided by the U. S. Census Bureau. National Census data are used for unclassified employees; State of Minnesota data are used for classified employees.

Availability data for person with disabilities in the unclassified and classified job groups are based on data provided by DOER.

Fixed-term appointments (with the exception of four-year fixed-term athletic coaching positions), adjunct appointments, other appointments of a temporary nature, and persons on leave without pay are not counted in totals or calculations.

Unit 213 : Health Care Professionals

- Unit 214 - General Professional - MN Association of Professional Employees
- Unit 216 - Supervisory - Middle Management Association
- Unit 217 - Commissioner's Plan

Two members of the Classified Managerial unit (Comptroller/Business Manager and Physical Plant Manager), are also included in the classified category (Unit 220).

MSUM's workforce data for classified employees are also shown in Table 1.

Availability (Ideal Goal) Analysis

Availability is defined as the percentage or number of women, minorities, and persons with disabilities assumed to be in a pool of qualified persons within an appropriate recruitment area. The ideal goal is to have a workforce whose composition reflects the composition of the available pool of applicants.

The availability (ideal goal) data for unclassified and classified employees are shown in Table 1.

Recruitment of MSUM's workforce is done predominantly externally at the national level for unclassified employees and at the state level for classified employees. Therefore, MSUM calculates its availability using one factor (external availability). Specifically, availability (ideal goal) data for women and minorities in the unclassified and classified job groups are based on data provided by the U.S. Census Bureau. National Census data are used for unclassified employees; State of Minnesota Census data are used for classified employees. Availability data for persons with disabilities in the unclassified and classified job groups are based on data provided by DOER.

Utilization Analysis

In order to determine whether women, minorities, or persons with disabilities are underutilized within any of the job groupings of MSUM, a utilization analysis is needed. The results of this analysis become the basis for establishing goals and action plans.

Underutilization is determined by comparing the number and percentage of women, minorities, and persons with disabilities in each job group with their availability. Underutilization occurs when the percentages of either women, minorities, or persons with disabilities in MSUM's workforce are lower than the availability percentages.

Underutilization figures for unclassified and classified employees are included in Table 1.

Hiring Goals for 2008-2010

MSUM's overall affirmative action goal is to improve its representation of underutilized groups. In order to accomplish this goal, each new hiring opportunity is viewed as an affirmative action opportunity, and each hiring unit is expected to make a special effort to recruit applicants in areas where underutilization has been identified.

In addition to MSUM's overall affirmative action goal, hiring goals have been set for the 2008-2010 reporting period for specific job groups. The goals are based on data comparisons included in the utilization analysis, anticipated vacancies, and other relevant information provided by administrative supervisors and the Human Resources office.

Because of continuing uncertainties about future budgets, there may be fewer hiring opportunities for everyone, including women, minorities, and persons with disabilities. However, when approval is given to fill positions, affirmative steps to recruit and hire women, minorities, and persons with disabilities will be considered.

Hiring goals will be set in job groups where vacancies are anticipated and where underutilization has been identified, except in those situations where underutilization would be equivalent to less than half a person or when the vacancies are of a fixed-term or temporary nature (with the exception that hiring goals will be set for four-year fixed-term athletic coaching appointments). In those job groups where vacancies are not anticipated, but a vacancy does occur, the fact that there is underutilization will be considered.

Generally, fixed-term and temporary appointments are appointments for a limited period of time and are to be used only when the position to be filled is clearly of a temporary nature. This type of appointment will often be the result of a sabbatical, educational, or unpaid leave, emergency situation, or other circumstances such as a significant change in enrollment or budget. These types of appointments generally terminate at the end of the appointment period or if funding is reduced or no longer available, and carry no implications for future employment.

Efforts to recruit women, minorities, and persons with disabilities will be made for all types of appointments; however, because of the nature of fixed-term and temporary appointments, specific goals will not be set for such positions, with the exception of athletic appointments as noted above.

For both unclassified and classified employees, numeric hiring goals will be established for the 2008-2010 reporting period. If goals and/or full utilization are not achieved by the end of the reporting period, MSUM may establish new goals based on utilization and anticipated vacancies. In addition, when full utilization for a specific job group has been met, MSUM will attempt to maintain a workforce that reflects the composition of the available pool of qualified persons within the recruitment area.

Hiring goals for unclassified and classified employees are shown in Table 2.

Table 2
MINNESOTA STATE UNIVERSITY MOORHEAD
2008 - 2010 HIRING GOALS

JOB GROUP	EEO-6 Code	Total Employees #	Expected Vacancies #	MINORITIES		WOMEN		PERSONS WITH DISABILITIES	
				Underutilized #	Biennial Hiring Goals #	Underutilized #	Biennial Hiring Goals #	Underutilized #	Biennial Hiring Goals #
A	B	C	D	E	F	G	H	I	J
<i>Unclassified Employees</i>									
Exec, Admn, Mgr	A	20	7	1.6	2	0.0	0	0.3	0
Professional:								.	
Non-Faculty	C	72	7	6.5	1	0.0	0	5.8	1
Faculty	B	287	27	23.4	5	11.9	11	28.3	2
<i>Classified Employees</i>									
Exec, Admn, Mgr	A	2	0	0.1	0	0.8	0	0.2	0
Professional	C	50	1	4.0	1*	0.0	0	3.5	1*
Clerical/Secretarial	D	110	4	4.0	1*	0.0	0	5.7	1*
Technical/Paraprofessional	E	25	0	1.7	0	0.8	0	1.9	0
Skilled Craft	F	17	2	1.2	1*	1.3	1*	1.0	1*
Service/Maintenance	G	47	2	3.7	1*	8.5	1*	3.4	1*

When vacancies occur, goals are not required when underutilization is equivalent to less than half a person, and/or when the vacancies are of a temporary or fixed-term nature (with the exception of four-year fixed-term athletic coaching positions).

Numeric hiring goals are not established for those job groups where underutilization exists but there are no anticipated vacancies. However; should a vacancy occur, the fact that there is underutilization will be considered.

* either a minority, woman, or person with a disability as indicated in a particular job group.

8. PROGRAMS AND PROGRAM OBJECTIVES

MSUM recognizes various groups are underutilized in employment within the University. MSUM also recognizes the value of having a diverse workforce. Therefore, MSUM is committed to remedy any identified underutilization in its employment activities. In pursuit of its commitment to affirmative action, MSUM has identified the following objectives and actions.

Objective 1: Enhance MSUM's Recruitment Efforts

Action Steps:

- The AAO (unclassified positions) or Human Resources staff (classified positions) will meet with Departments/Search Committees to review recruitment and hiring guidelines, hiring goals, and answer questions.
- Provide feedback to the President and others having primary responsibility for searches regarding the status of hiring goal accomplishments.
- Continuously examine and evaluate recruitment and hiring guidelines in order to support and advance MSUM's commitment to affirmative action and to aid Search Committees and Administrators in identifying and selecting highly qualified candidates for positions, including minorities, women, and persons with disabilities.
- Make available to Search Committees recruitment sources to assist in the Search Committee's efforts. Information regarding potential recruitment strategies/resources is included in the Recruitment and Hiring Guidelines/Unclassified Personnel, which is available in the Affirmative Action office and on the Affirmative Action office website at www.mnstate.edu/affirm.
- In addition to the development and implementation of its Affirmative Action Plan, MSUM will also reexamine its 2004 Racial and Ethnic Diversity Plan to address issues of diversity in its programs and activities including recruitment efforts for women, minorities, and persons with disabilities.

The pdf file for MSUM's 2004 Racial and Ethnic Diversity Plan is posted on the Office of the President website at www.mnstate.edu/president. Click on "Strategic Planning" for the link to "MSUM Racial and Ethnic Diversity Plan."

Assignment of Responsibility:

Steps will involve a coordinated effort among several persons or groups including the President, AAO, Director of Human Resources, Deans/Directors, Vice Presidents and other Cabinet officers, and the Cultural Diversity/Affirmative Action Committee.

Timelines:

Ongoing.

Evaluation:

Records will be maintained to determine accomplishments reflecting the number of hiring goals met, effective recruitment efforts, and needs.

Objective 2: Monitor and Enhance MSUM's Retention Efforts

Action Steps:

- Distribute a notice to all employees annually regarding MSUM's commitment to civility in its work and learning environment, and MSUM's commitment to providing a campus environment that is free of discrimination, harassment, and violence. The notice will also include information regarding the availability of MSUM's Nondiscrimination policy, Discrimination/Harassment Complaint procedure, General Harassment policy, Sexual Violence policy & procedure, Zero Tolerance Workplace Violence policy and plan, and persons to contact for assistance.
- Notify all employees annually of the procedure for requesting and providing reasonable accommodations.
- Provide information about the Employee Assistance Program, including available services for employees and work-related concerns.
- Employees and/or their spouses, or dependents are entitled to enroll, on a space available basis in courses offered by a university in the MnSCU system, without payment of tuition and/or fees pursuant to their bargaining agreement or personnel plan. Forms are available from the Human Resources office.
- As mentioned in Objective 1, MSUM will reexamine its 2004 Diversity Plan to address issues of diversity in its programs and activities including retention efforts.

Assignment of Responsibility:

Steps will involve a coordinated effort among several persons or groups including the President, AAO, Director of Human Resources, Vice Presidents, Deans, Directors, and Cultural Diversity/Affirmative Action Committee.

Timelines:

Ongoing.

Evaluation:

Records of actions will be maintained to help assess accomplishments and future needs.

Objective 3: Promote Diversity Awareness and Enhance Campus Climate

Action Steps:

- Plan and provide programs and events relating to EO/AA and diversity.
- Make available to employees brochures pertaining to sexual harassment, racism, sexual orientation, and anti-Semitism.
- Display sexual harassment/violence, racism, and disability awareness posters on bulletin boards throughout the campus community, including information on where to go for assistance.
- Continue to implement TOCAR (Training Our Campuses Against Racism), a multi-campus, anti-racism initiative directed by a collaborative of faculty, staff representatives, and students from the four institutions of higher education in the Fargo-Moorhead area (MSUM, the Moorhead campus of Minnesota State Community and Technical College, Concordia College, and North Dakota State University). TOCAR seeks to enhance campus climate, and promote equal opportunity. Additional information is available on TOCAR's website at www.mnstate.edu/TOCAR.
- Implement HEART (Higher Education Anti-Racism Team), a collaborative anti-racism initiative including MSUM, North Dakota State University, St. Cloud State University, Bethel University, the MnSCU Chancellor's Office and The Minnesota Collaborative Anti-Racism Initiative.
- Incorporate appropriate aspects of diversity into the evaluation of managers and supervisors.
- Reexamination and implementation of MSUM's Diversity Plan mentioned in Objectives 1 and 2.

Assignment of Responsibility:

Steps will involve a coordinated effort among several persons or groups including the President, AAO, Director of Human Resources, Multicultural Affairs Coordinators, Coordinator of Disability Services, Vice Presidents, Deans, Directors, and members of the Cultural Diversity/Affirmative Action Committee, TOCAR Collaborative, and HEART Collaborative.

Timelines:

On going and/or upon request.

Evaluation:

Records will be maintained to help assess accomplishment and future needs.

9. METHODS OF AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS

State law governing affirmative action programs requires MSUM to establish methods for conducting internal auditing, evaluating and reporting program success. This includes a procedure that requires a pre-employment review of all hiring decisions for job groups with unmet affirmative action goals and pre-review of all layoff decisions to determine their effect on MSUM's affirmative action goals and timetables.

Pre-employment Review

Unclassified Positions

MSUM is committed to and supports aggressive affirmative action steps and programs intended to remedy the historical underrepresentation of women, minorities, and persons with disabilities in the workforce. The recruitment and hiring process for unclassified employees at MSUM generally includes the following steps:

1. Schedule meeting prior to Presidential authorization to begin recruitment process. The administrative official with primary responsibility for the search, the Affirmative Action Officer (AAO), and the Diversity Officer shall have a preliminary meeting with the Department/Office where the potential vacancy exists and potential Search Committee members. The purpose of this meeting will be to discuss:
 - Rationale for the position,
 - Conditions under which the position will be filled,
 - Credentials, qualifications, and responsibilities of the position,
 - Application materials needed from applicants and screening/deadline dates,
 - Writing of the Vacancy Notice to ensure that it is free of potentially illegal discrimination,
 - Affirmative action goal and diversity expectations,
 - Recruitment efforts, including special efforts to recruit members of underutilized and diverse groups,
 - Role and responsibilities of the Department/Office and Search Committee members including the extent of their authority, and
 - Confidentiality during the recruitment and hiring process.

Note: In the academic area, the President has designated the Dean as the administrative official with primary responsibility for searches; for searches in athletics, the Athletic Director has primary responsibility; in Instructional Resources the Associate Vice President of that area has primary responsibility; and in nonacademic or administrative areas, the appropriate Vice President, Executive

Director, or President, in some cases, generally has primary responsibility.

2. Identify Search Committee. Members of the Search Committee shall be chosen in a manner which ensures that Search Committee members are as diverse as possible, including women and minorities. At a minimum, a woman and a minority must be included on the Search Committee. The participation of persons with disabilities is also encouraged whenever possible. If it is impossible to constitute a diverse committee within the hiring department/office, a voting representative from outside the department or administrative area where the vacancy exists needs to be asked to serve on the committee (e.g., advisory board member; community member; faculty, staff or student from other departments; person from another institution or agency, etc.).

For faculty positions, departments are encouraged to invite a person external to campus to be a member of the Search Committee. In addition, the Dean of the College will select an additional member from campus, but from another department.

Search Committees are not required for filling every unclassified position. Exceptions to the use of a Search Committee are discussed in the Recruitment and Hiring Guidelines for Unclassified Personnel, which is available in the Affirmative Action office or on the Affirmative Action office website at www.mnstate.edu/affirm.

The role of the Search Committee is to be actively involved with the administration in filling the vacancy. Tasks generally include: assisting in the preparation of the vacancy notice, recruitment plan and advertisements; developing criteria to be used to evaluate the credentials of applicants; responding to applicant inquires; reviewing applications; recommending finalists; interviewing candidates; and providing a hiring recommendation.

All members of the Search Committee should be available for all aspects of the recruitment process if they are to serve. If a committee member resigns during the recruitment process after finalists have been selected, the committee member will not be replaced.

Bargaining unit requirements relating to Search Committee composition will also be followed.

3. Obtain authorization to begin the recruitment process. The purpose of the authorization is to confirm data regarding the existence of a vacancy and establish the terms and conditions of the authorization and position.
4. Schedule meeting with entire Search Committee and the AAO. After the President has authorized the recruitment process, the Chair of the Search Committee shall schedule a meeting with the entire Search Committee and the AAO. Attendance of the administrative official with primary responsibility for the search is at the administrative official's discretion. The purpose of this meeting will be to review the role of the Search Committee members and go over the recruitment and hiring process.
5. Develop evaluation criteria. The Search Committee shall develop criteria to evaluate an applicant's qualifications. The criteria used in evaluating an applicant's qualifications for a position must be job related and consistent with the information included in the vacancy

notice.

6. Respond to applicant inquiries and review application materials. All contacts or inquiries made by individuals expressing an interest in the position and/or submitting application materials should be acknowledged. Each applicant file shall be reviewed to assure completeness, and to evaluate credentials, experiences, references, and suitability of a candidate.
7. Request interview(s). The Search Committee submits its recommendation for candidate(s) to be interviewed, including a list of all applicants and the rationale for recommending or not recommending each applicant for an interview. Telephone interviews, on-campus interviews, or both can be requested. Telephone interviews are encouraged prior to an on-campus interview to help determine who should be invited to campus.
8. Request recruitment funds for candidate costs. As soon as a date is determined for an on-campus interview, the unit conducting the search should submit a request for recruitment funds to the Academic Affairs office [for maintenance and equipment (M & E) funded searches] or the appropriate Vice President/Executive Director (for searches not funded by M&E appropriations). Also all food expenses must be approved as a special expense prior to the expenses being incurred. It is suggested that this be done at the same time as the request for recruitment funds. In addition, whenever reservations are made for lodging and charged to MSUM, a Purchase Order needs to be prepared.
9. Arrange for and conduct interview(s). After the interview request has been approved, arrangements for the interview(s) can be made and the interview(s) conducted.
10. Determine creditable experience/salary. The creditable experience of the prospective employee will be reviewed and a salary determination will be made following the established bargaining unit agreement or personnel plan.
11. Make hiring recommendation. Upon completion of the interview process, the Search Committee shall make its hiring recommendation. The decision of who will be hired is made by the administrative official with primary responsibility for the search and ultimately the President.
12. Prepare appointment form/letter. The appointment form/letter will be prepared by the Human Resources office for the President's signature.
13. Consider alternatives if offer declined. If an offer for employment is declined, steps 7-12 may need to be repeated. In some instances a revision to the authorization to begin the recruitment process and subsequent steps may need to be redone. It is also possible that the search will be declared failed.
14. Notify relevant administrators/supervisors of signed contract. The relevant administrators/supervisors will be notified by the Human Resources office when the contract is signed.
15. Forward records to Human Resources office. The Search Committee Chair is responsible for ensuring that complete records are kept during the search. All records pertaining to the

search, including applicant files, are to be forwarded to the Human Resources office, where they are kept on file.

16. Welcome new hire. All members of the campus and local community are encouraged to welcome the new hire in concrete and intentional ways in order to ensure success.

Modified recruitment and hiring procedures may be followed for fixed-term, temporary, externally funded, acting, or interim positions; emergency appointments; and adjunct faculty, as well as procedures established in accordance with bargaining unit contracts and MnSCU regulations. Specific procedures for these special conditions are described in the Recruitment and Hiring Guidelines for Unclassified Personnel, available in the Affirmative Action office or on the Affirmative Action office website at www.mnstate.edu/affirm. The IFO and MSUAASF contracts and the Personnel Plan for Administrators may also contain additional information.

To assist the President in carrying out equal opportunity/affirmative action responsibilities, the AAO monitors the pre-employment process described above to ensure that there is no discriminatory effect on members of protected groups.

Access to information obtained during the pre-employment review process pertaining to protected group status, will only be available to authorized personnel in keeping with the Minnesota Government Data Practices Act.

Classified Positions

The recruitment and selection of MSUM employees included in the executive branch of the Minnesota civil service, comply with Minnesota Statutes 43.18 and 179.14 DOER Personnel Rules, and applicable collective bargaining agreements.

Because of these restrictions, affirmative action receives its primary emphasis at the State level for recruitment, examination, and the establishment of eligible lists.

The Human Resources office coordinates the recruitment and selection of MSUM employees included in the executive branch. Consistent with MnSCU policies on Nondiscrimination in Employment and Education Opportunity and Affirmative Action, MSUM has established the following selection process:

1. Position becomes vacant. Supervisor informs Human Resources whether or not there will be a vacancy and a determination is then made by the budget supervisor whether position should be filled.
2. If it is determined that a request will be made to fill a position, Human Resources provides the appropriate Supervisor with a Justification for Filling form. Before a position is filled, this form must be reviewed and approved by the Supervisor, Budget Officer, Appropriate Vice President, Human Resources Director and the President.
3. Human Resources and Supervisor review position description to see if changes are needed.
4. Supervisor decides whether to assemble a Search Committee. Human Resources staff meet with the Search Committee to review the recruitment and selection guidelines for classified

staff. The guidelines include a description of underutilized protected groups, hiring goals, samples of advertisements, interview questions, reference check guide as well as other forms. Interview questions and evaluation instruments must be reviewed by Human Resources prior to interview. If no Search Committee is assembled, the Supervisor (or Interviewer) must follow the recruitment and selection guidelines as indicated above.

5. Job announcement is posted for seven calendar days on the Minnesota State University Moorhead campus for bidding by eligible employees. If there are eligible bidders, interviews are scheduled.
6. If there are no bidders, the vacancy will be filled by someone on the MSUM's layoff list for this classification. After this group, employees from other agencies in the same classification who have been noticed for layoff, must be considered. Then, employees who were laid off in the same classification from other agencies who have indicated a preference for employment in Moorhead, must be considered and cannot be unreasonably denied the position.

If there is no one meeting the above criteria, the vacancy must be posted on the DOER Employment website (www.doer.state.mn.us) and filled via the Multisource Recruitment and Selection system. Postings can be designated as from within the Agency, Statewide or competitively. Posting type is determined by contractual obligation or agency preference. Qualifications and posting timelines are determined by the Supervisor in consultation with Human Resources staff. Employees are notified via the dragonnews listserve when vacancies are open for application.

Information from these lists pertaining to protected group status such as test score, race, disability, etc. is private information and may not be released to the prospective Supervisor or members of the Interview Committee. Only public personnel data as defined by the Minnesota Data Government Practices Act, Section 13.43, Subd. 2, may be released.

7. A list of job related questions is developed by the Supervisor (or Search Committee) and reviewed by Human Resources to ensure that the questions are uniform, appropriate, and job-related. Human Resources meets with the Supervisor and others to review procedures for an objective interview.
8. Interviews are conducted by the Supervisor, using uniform job-related questions. Other staff members may be involved in the interviews or appointed to the Committee at the Supervisor's discretion. Every staff member involved in the interview will complete an evaluation form for each candidate which contains only job-related criteria.
9. Recommendation for hire is given by Supervisor. The Human Resources office and appropriate Vice President or designated person will review the file to ensure that the recommendation is based on job-related criteria and is consistent with the Affirmative Action Plan.
10. If the Human Resources office concurs with the selection, all candidates are notified of the hiring decision by the Human Resources office or the budget supervisor. The written justification is attached to the Protected Group Report.

11. If the Human Resources office does not concur with the decision, the Director of Human Resources will review the file and make a recommendation, either to reaffirm or to reconsider. The Human Resources office would note if a disparity existed and would request that the Supervisor review the decision to determine if there was a “missed opportunity.” All candidates are notified of the hiring decision.

Pre-review of Lay-off Determinations

MSUM will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans. Proposed lay-off decisions will be reviewed by the AAO and Human Resources Director to evaluate their effect on MSUM's affirmative action goals and timetables.

Assignment of Responsibility

Activities regarding the auditing, evaluating, and reporting of MSUM's program success will be done primarily by the Affirmative Action office, the Human Resources office, and the Academic Affairs office.

MSUM's AAO will be actively involved in the hiring and pre-hire review process for unclassified positions to ensure the Nondiscrimination policy is carried out. MSUM's Director of Human Resources, who is responsible for affirmative action recruitment efforts for classified employees, will be actively involved in the hiring and pre-review process for classified positions.

Administrative Officials/Supervisors and Search Committees will be advised of the recruitment process and the hiring goals for their respective units. For unclassified positions, the AAO will advise appropriate personnel of the hiring goals and recruitment process. For classified positions, this will be done by the Director of Human Resources.

On an annual basis, MSUM will do a self-analysis to assess its efforts and progress and compliance with federal and state regulations regarding EO/AA. The self-analysis will include:

- Status of EO/AA accomplishments
- Progress toward meeting program objectives
- Record of personnel activities, including placements, transfers, promotions, tenure decisions, and voluntary and involuntary separations
- Advertising sources, expenses incurred, and the results of their use
- Complaints investigated pursuant to MnSCU's Nondiscrimination policy

10. WEATHER EMERGENCIES AND EVACUATION

The MnSCU Board of Trustees' 4.4 Weather/Short Term Emergency Closings policy is included in this section. MSUM's Emergency Incident Management Plan Manual is located on the MSUM Campus Security website at www.mnstate.edu/security/procedures/2006_IncidentManagementPlanManual.pdf. The Emergency Incident Management Plan Manual includes MSUM's weather emergencies and evacuation plan and procedures, including its plan and procedures for persons with disabilities.



Minnesota State Colleges and Universities
Board Policies
Chapter 4 – Human Resources

4.4 Weather / Short Term Emergency Closings

Part 1. Cancellation of Classes due to Weather or other Short Term Emergencies. The authority to cancel classes due to weather conditions or other short term emergencies resides with the college or university president or the president's designee. Policy 1A.10 Emergency Management is applicable for long term closures. Cancellation of classes does not excuse any employee from work. Employees of the college, including faculty, may take personal leave, vacation leave or use earned compensatory time when classes are canceled and they choose to be absent from work.

Part 2. Campus Closing due to Weather or other Short Term Emergency. A president or designee may close a college or university campus due to a weather or other short term emergency of 6 calendar days or less in accordance with this policy. Policy 1A.10 Long Term Emergency Management is applicable for long term closures. The closure of state agencies by the Commissioner of the Department of Employee Relations does not apply to MnSCU institutions. The Governor of Minnesota has emergency powers to issue an executive order to change the work schedule of executive branch employees in cases of natural disaster or other emergencies [M.S. Section 12.21]. This does apply to MnSCU employees.

Subpart A. Weather emergencies. The college or university president shall develop written procedures which will be used to determine when weather conditions constitute a threat to the health and safety of college or university employees and students. The written procedures shall identify the following:

1. Processes for assessment of weather and travel conditions (temperature, wind, precipitation, condition of roads). At a minimum, one state and one local authority should be contacted as part of an assessment of weather and travel conditions. The following offices are suggested as authorities to contact:
 - State Highway Patrol District Office
 - Minnesota Department of Transportation - district offices
 - County and city law enforcement offices
 - County and city highway maintenance offices
2. Positions and employees of the college or university who provide services that are essential to protect life and property during campus closings due to weather conditions. These “weather essential” employees will not be excused from work duty during campus closings.
3. Methods of notification of campus closings appropriate to employees, students and the public.

Subpart B. Filing. A copy of the written procedures shall be filed with the Chancellor.

Subpart C. Other emergencies. The college or university president shall maintain a list of emergency situations other than those which are due to weather conditions for which campus closure would be an appropriate action. A list of essential employees that would not be excused from work duty during campus closings due to identified emergency conditions shall be maintained by the president.

Subpart D. Effect of closure. When a campus closing is declared, college or university employees are excused from work with pay. An employee's absence with pay for an individual emergency situation shall not exceed the equivalent of two work days unless the Chancellor authorizes a longer period. A campus closure applies to all employees without regard to labor contract. Weather or other emergency essential employees who are not excused from work will be paid at their regular rate of pay.

Subpart E. Timeframe. The declaration of a campus closure shall, whenever possible, clearly identify the timeframe when employees are excused from work.

Subpart F. Notice to chancellor. Each college or university shall notify the Chancellor or designee after the decision is made to close a campus due to weather conditions or other emergency conditions. This notice will be used by the Office of the Chancellor to respond to inquiries regarding campus closures.

Part 3. Office of the Chancellor. The Commissioner of the Department of Employee Relations has authority to excuse employees of the Office of the Chancellor with pay due to weather or other emergencies. The Chancellor may also excuse employees of the Office of the Chancellor due to weather or other emergencies and may pay employees with the approval of the Commissioner of the Department of Employee Relations for such absence. Decisions by a president to close a campus apply to employees of the Office of the Chancellor assigned to a work station at that campus.

Statutory Authority: 1994 Minnesota Statutes, section 43A.05, subdivision 4.

Date of Implementation: 10/16/96

Date of Adoption: 10/16/96

Date and Subject of Revision:

July 18, 2007 – Amends policy to create distinction between short term emergencies and long term emergencies.

Amends Part 2, Subpart D to clarify president's sole authority to excuse employees from work with pay only extends up to 2 days, longer paid absences requires approval by the Chancellor. Amends Part 3 to include language consistent with the current statute which provides that the Commissioner of the Department of Employee Relations has authority to release employees of the Office of the Chancellor with pay due to weather or other emergencies. It also clarifies that employees of the Office of the Chancellor who work on a campus will be governed by the decision of the president to close the campus.

12/18/02 – Part 2, Subpart F, Amended from System Office to Office of the Chancellor

02/17/99 - part 2, states Governor's power to change work schedule in case of natural disaster, subp. B, deletes date by which written procedures must be filed.

11. REASONABLE ACCOMMODATION

The MnSCU System's 1B.0.1 Reasonable Accommodations in Employment procedure and MSUM's Reasonable Accommodation policy and procedures are included in this section. MSUM's Reasonable Accommodation procedures are intended to further implement MnSCU's 1B.0.1 procedure, in compliance with federal and state regulations.

Edward L. Choate, Director of Human Resources, has been assigned responsibility for administering requests from employees for reasonable accommodations, Owens 210C, 218/477-2066/V.

Warren Wiese, Vice President of Student Affairs, is the ADA Coordinator who oversees MSUM's overall compliance with federal, state, and system regulations, Owens 206, 218/477-2171/V.

System Procedure 1B.0.1

1B.0.1 REASONABLE ACCOMMODATIONS IN EMPLOYMENT

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Part 1. Purpose

This procedure sets forth the process to be used for responding to requests for reasonable accommodations in employment based on an applicant's or employee's disability. The scope of this procedure is limited to reasonable accommodations, and is not intended to fully describe other provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

Part 2. Reasonable Accommodations in Employment

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

Part 3. Definitions

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

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

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

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

System Procedure 1B.0.1

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

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

Subpart E. Reasonable Accommodations: A reasonable accommodation is a modification or adjustment to a job or employment practice or the work environment that enables a qualified individual with a disability to perform the essential functions of the job as identified at the time of the reasonable accommodation request and to access equal employment opportunities. Reasonable accommodations may also include those things which make a facility and its operations readily accessible to and usable by individuals with disabilities. Under the law, the employer has a responsibility to make reasonable accommodations for individuals with a disability only if the disability is known and it is not an undue hardship under Part 6, Subpart C.

Part 4. Identification of Assigned Staff Member.

The system office, and each college and university shall assign and identify a staff member responsible for administering requests for reasonable accommodations.

Part 5. Right to Representation.

In accordance with applicable collective bargaining agreement language, employees may have the right to request and receive union representation during the reasonable accommodations process.

Part 6. Providing Reasonable Accommodations.

Subpart A. Job Relatedness. Reasonable accommodations will be provided only for job-related needs of individuals with a disability. The primary factor in evaluating an accommodation's job relatedness is whether the accommodation specifically assists the individual to perform the essential functions of the job as identified at the time of the reasonable accommodation request. If the requested accommodation is primarily for the benefit of the individual with a disability to assist that individual in daily personal activities,

System Procedure 1B.0.1

the employer is not required to provide the accommodation. The appropriate reasonable accommodation is best determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability; it may include the appropriate union representative as provided by the applicable collective bargaining agreement.

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

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

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

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

Subpart D. Documentation. Documentation of a disability is required as part of the reasonable accommodation process unless the nature and extent of the disability is already known to the employer, or as a practical matter, the requested accommodation is minimal and the employer makes modifications for its convenience, regardless of whether the employee or applicant meets the requirements for a reasonable accommodation under this procedure.

System Procedure 1B.0.1

Subpart E. Choice of Accommodations. The employer is not required to provide the specific accommodation requested by the individual and may choose an effective accommodation which is less expensive or easier to provide. Accommodations provided to the individual are the financial responsibility of the employer.

Subpart F. Request Process. The system office, colleges and universities are responsible for establishing a process for individuals with disabilities to make requests for reasonable accommodations in compliance with the Americans with Disabilities Act or the Minnesota Human Rights Act. Such process should include the following:

1. MnSCU policy statement and definitions;
2. Assignment and identification of a staff member responsible for administering requests for reasonable accommodation;
3. Provide a process for appealing a reasonable accommodations decision.

Part 7. Application. Nothing in this procedure is intended to expand, diminish or alter the provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

Approved by the Chancellor: May 24, 2000

MINNESOTA STATE UNIVERSITY MOORHEAD REASONABLE ACCOMMODATION POLICY AND PROCEDURES

Policy:

It is the policy of The Minnesota State Colleges and Universities (MnSCU), of which Minnesota State University Moorhead is a member, to encourage the employment and promotion of any qualified individual, including qualified individuals with disabilities. In accordance with the Americans with Disabilities Act, the Minnesota Human Rights Act, and the Rehabilitation Act, the MnSCU system office and colleges and universities will provide reasonable accommodations directly related to performing the essential functions of a job, competing for a job, or enjoying equal benefits and privileges of employment on the basis of qualifications, without regard to a person's disability. This policy applies to all current employees, employees seeking promotion, and job applicants.

Definitions:

Employer: For purposes of this procedure, the employer is the system office, college or university.

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

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

Individual with a Disability: An individual with a disability for the purposes of determining reasonable accommodations is any applicant, current employee, including student employees, or

employees seeking promotion, who has a physical or mental impairment which substantially or materially limits one or more of such individual's major life activities.

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

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

Temporary Disabling Condition: Generally, a disabling medical or mental condition which is expected to be temporary and from which the individual is expected to recover is not a disability.

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

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

Assignment of Responsibility

The Director of Human Resources is responsible for administering requests for reasonable accommodations for current employees, employees seeking promotion, and job applicants.

The ADA Coordinator is available to answers questions and provide information regarding the Reasonable Accommodations in Employment policy and procedure.

Procedure – Current Employees and Employees Seeking Promotion:

Current employees and employees seeking promotion who wish to request a reasonable accommodation shall contact the Director of Human Resources. He/she shall, in consultation with the employee:

1. Discuss the purpose and essential functions of the particular job involved. Completion of a job analysis may be necessary;
2. Determine the precise job-related limitation;
3. Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
4. Select and implement the accommodation that is most appropriate for both the employee and the employer. While an individual's preferences will be given consideration, the University is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

Minnesota State University Moorhead may request documentation of the employee's functional limitations to support the request for accommodation.

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

If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the University, a reassignment may be considered. The Director of Human Resources may first look for a vacant position equivalent to the one presently held by the employee in terms of pay and other job status. If the employee with the disability is not qualified for such a position, the University may reassign the employee to a lower graded vacant position for which the employee is qualified, as a reasonable accommodation. If this occurs, the University is not required to maintain the individual's salary at the previous level.

Minnesota State University Moorhead is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

Procedure – Job Applicants

When a request for accommodation is received from an applicant, the Director of Human Resources will discuss the needed accommodation and possible alternatives with the applicant.

The Director of Human Resources will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for Funding Accommodations:

Approved accommodations provided to the individual are the financial responsibility of the University.

Appeals:

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal, in writing, with the President within 10 working days, for a final decision.

If the individual believes the decision is based on discriminatory reasons, he/she may file a complaint internally through the University's complaint procedure (MnSCU 1B.1.1 Report/Complaint of Discrimination/Harassment – Investigation and Resolution procedure) or externally.

12. RECRUITMENT PLAN

Advertising Sources Used During Previous Reporting Period, Expenses, and Results

Advertising Sources/Expenses

During the previous reporting period (FY 2006 and FY 2007), approximately \$120,681 was spent on advertising for unclassified positions and approximately \$10,729 for classified positions. A list of advertising sources and expenses is included below. Information pertaining to fixed-term or temporary appointments is not included in the listing with the exception of four year fixed-term athletic coaching appointments.

Unclassified Openings

Academic Careers (Academic Keys)	195.00
Academic Position Network (APN)	95.00
Access Press	496.00
Alden & Associates (Search Firm)	32,118.28
American Accounting Association (AAA)	300.00
American Alliance for Health, Physical Education, Recreation & Dance (AAHPERD)	425.00
American Association for Paralegal Education (AAFPE)	0
American Association of Colleges for Teachers Education (AACTE)	185.01
American Astronomical Society Job Register	125.00
American Chemical Society (C & E News)	844.00
American College Personnel Association (ACPA)	0
American Council on Rural Special Education (ACRES)	0
American Counseling Association (ACA)	549.30
American Football Coaches Association (AFCA)	0
American Institute of Graphic Arts (AIGA)	95.00
American Marketing Association (AMA)	250.00
American Mathematical Society (AMS/EIMS)	
Employment Information in the Mathematical Sciences	345.00
American Philosophical Association (APA)	126.40
American Physical Society (APS)	400.00
American Strings Teachers Association (ASTA)	75.00
American Studies Association (ASA)	150.00
Arthur Davis Agency, Inc.	492.00
ArtSearch (Theatre Communication Group)	425.00
Associated School of Construction	250.00
Association for Computing Machinery (ACM)	720.00
Association for Education in Journalism & Mass Communication (AEJMC)	125.00
Association for Women in Mathematics (AWM)	450.00
Association of Advance Collegiate Schools of Business (AACBS) [MeJobs]	450.00
Association of College Union International (ACUI)	125.00
Association of Physical Plant Administration (APPA)	635.00
ATHECAA-Theatre related announcements & queries	0
Black Coaches Association (BCA)	300.00

Broadcast Education Association (BEA)	50.00
Chronicle of Higher Education	9,877.95
Circle News	251.20
College Art Association (CAA)	1,095.00
College Music Society (CMS)	300.00
College of Liberal Arts, University of Minnesota	0
Computing Research Association (CRA)	450.00
Concordia Career Center	0
Counseling Today	293.70
Counselor Educators & Supervisors (CESNET)	0
Creative Heads	300.00
Crit Net (Crittenton Women's Union)	0
CRTnet (National Communications Association/Spectra)	0
D2Football.com	0
Decision Science Institute (DSI)	500.00
Department of Veteran Affairs	0
Financial Management Association (FMA)	310.00
Forum	3,532.21
General listservs	0
Grand Forks Herald	243.50
High Plains Reader	85.00
HigherEdJobs (Affirmative Action email)	2,112.00
HigherEdJobs.com	3,790.00
Hispanic Outlook	195.00
H-Net (History Net)	150.00
IFO.com	0
Indian Country Today	774.75
Institute for Electrical & Electronic Engineers (IEEE)	250.00
Integrity (Search Firm)	42,340.54
International Association of Chief of Police (IACP)	0
International Association of Campus Law Enforcement Administrators (IACLEA)	0
Job Openings for Economists/American Economist Association (JOB/AEA)	250.00
Job Service Minnesota-Dept of Jobs & Training Moorhead	0
Job Service North Dakota	0
Job Target	125.00
Jobs for Philosophers/American Philosophical Association (JFP/APA)	106.40
Jobs HQ (Listings of jobs from MN, ND, SD)	0
LaPrensa de Minnesota	200.00
Mailing Lists/Postage	1,236.00
Manufacturing & Service Operations Management (MSOM)	0
Mathematics Association of America (MAA)	840.00
Michigan State University	75.00
Minneapolis Star Tribune	4,945.46
Minnesota Association of Financial Aid Administrators (MAFAA)	0
Minnesota Association of School Administrators (MASA)	0
Minnesota College Personnel Association (MCPA)	0
Minnesota Dept. of Employment and Economic Development (ADA Coordinator) [Formerly Minnesota Department of Economic Security]	0

Minnesota Dept. of Veterans' Affairs	0
Minnesota State Bar Association-Bar & Bench (MSBA)	163.75
Minnesota State Colleges & Universities Job Opportunities	0
Minnesota State University Moorhead	0
MinnesotaDiversity.com	1,358.00
Modern Language Association (MLA)	176.70
National Association of College and University Business Officers (NACUBO)	0
National Association of Collegiate Directors of Athletics (NACDA)	0
National Association of Collegiate Women Athletics Administration (NACWAA)	35.00
National Association of Foreign Students Advisors (NAFSA)	0
National Association of Industrial Technology (NAIT)	200.00
National Association of Student Financial Aid Administrators (NASFAA)	195.00
National Association of Student Personnel Administrators (NASPA conference)	110.00
National Association of Student Personnel Administrators (NASPA)	100.00
National Collegiate Athletics Association (NCAA)	775.00
National Economics Association (NEA) [Black Economists]	150.00
National Science Teachers Association (NSTA)	130.00
National Society of Black Physicists listserv (NSBP)	0
National Speech Communications	0
North Central Association for Counselor Education & Supervision (NCACES)	0
North Dakota Council for Educational Leadership (NDCEL)	0
Northern Sun Intercollegiate Conference (MSIC)	0
Ojibwe News	160.00
Organization of American Historians (OAH)	75.00
Personal Contacts	0
Production & Operation Management Society (POMS)	75.00
Publishing Concepts, Inc.	390.00
Radio-Television News Directors Association (RTNDA)	75.00
Society for Cinema Studies (SCS)	125.00
Society of College & University Planning (SCUP)	0
South Dakota Bar Association Newsletter (SDBA)	0
State Bar Association of North Dakota – The Gavel (SBND)	119.45
Teachers of English to Speakers of Other Languages (TESOL)	175.00
Team North Dakota	0
University Film Video Association (UFVA)	125.00
Vacancy Notices	543.50
Women in Physics listserv	0
	<hr/>
	\$120,681.10

Classified Openings

Careerfm.com	0
Centro Cultural de Fargo/Moorhead	0
Clues.org	0
Cultural Diversity Resources	0
DOER Employment Site	0
The Forum	8,090.11

Job Dig	1,839.00
Milwaukee Sentinel	375.00
MnSCU Job Opportunities	0
Minneapolis Star Tribune	425.00
MSUM Web site	0
ND Job Services	0
Workforce Center Job Bank	0
	\$10,729.11

Recruitment Sources Results

Unclassified Openings:

Measuring the success of recruitment sources used is largely dependent on the feedback provided by applicants on the Supplemental Personnel Data for Affirmative Action Recruitment form (See Appendix C). Their response is voluntary. Some applicants identified more than one source and a large number of applicants chose not to respond. Therefore, the results shown in the following tabulation are estimates. Information pertaining to fixed-term or temporary type appointments is not included in this review, with the exception of four year fixed-term appointments for athletic coaches.

<u>Recruitment Sources</u>	<u>Total</u>		<u>Minorities</u>		<u>Women</u>		<u>Disabled</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Publications	179	23.0	37	17.6	65	25.2	2	28.6
Internet	503	64.7	153	72.9	150	58.1	2	28.6
Vacancy Notice	9	1.2	2	1.0	4	1.6	0	0.0
Word of Mouth	56	7.2	12	5.7	23	8.9	2	28.6
Invited to Apply	28	3.6	5	2.4	16	6.2	1	14.3
Other	3	0.4	1	0.5	0	0.0	0	0.0
<hr/>								
Total Responses	778	100.0	210	100.0	258	100.0	7	100.0

* Based on information received during the FY06 and FY07 reporting period

As shown in the tabulation, the most effective recruitment source for minorities was the internet, followed by publications. The internet was also the most effective recruitment source for women, followed by publications. Because only limited data were available for persons who identified themselves as having a disability, it is difficult to make any meaningful generalizations about effective recruitment sources for persons with disabilities. The data that is available shows publications, the internet, and word of mouth were equally effective in recruiting persons with disabilities. Vacancy notices were the least effective for all three groups.

Classified Openings:

Measuring the success of recruitment sources used is largely dependent on the response of applicants to the Affirmative Action Recruitment Data form (see Appendix D), the State of Minnesota Application for Employment (see Appendix E), and/or their cover letters. Their response is voluntary, so some may choose not to respond. Therefore, the results that follow are estimates.

<u>Recruitment Sources</u>	Total		Minorities		Women		Disabled	
	#	%	#	%	#	%	#	%
Campus Posting	40	3.7	2	4.0	19	3.1	2	25.0
DOER Employment Site	256	23.7	22	44.0	125	20.3	3	37.5
MSUM Website	66	6.1	3	6.0	49	8.0	0	0.0
Other Websites	128	11.9	8	16.0	80	13.0	2	25.0
Job Service	69	6.4	3	6.0	35	5.7	1	12.5
Newspaper	414	38.3	11	22.0	250	40.6	0	0.0
Word of Mouth	74	6.9	0	0.0	46	7.5	0	0.0
Other	33	3.1	1	2.0	12	1.9	0	0.0
Total Responses	1080	100.0	50	100.0	616	100.0	8	100.0

* Based on information received during the FY06 and FY07 reporting period

As Shown in the tabulation, the most effective recruitment source overall was the newspaper. This was also true for women. However, for minorities and persons with disabilities, the most effective recruitment source was the DOER employment website. Word of mouth was the least effective recruitment source for minorities. For women, campus posting was least effective. The MSUM website, newspaper, and word of mouth were equally ineffective for persons with disabilities.

Summary of Recruitment Methods Used During Previous Reporting Period

The type of recruitment methods used during the previous reporting period included:

Unclassified Positions:

- Advertising in local, regional, and national publications and/or internet sites
- Personal contacts
- Listservs for professional organizations
- Vacancy notices sent to schools with graduate or professional programs in areas where vacancies exist
- Professionals in the field where vacancies existed were asked to nominate individuals for the vacancy or make referrals
- Vacancies posted on announcement boards at conventions, conferences, or meetings

- Networking
- Current employees were notified of openings
- Vacancy notices sent to schools with high enrollments of minorities and women
- Vacancy notices sent to the Department of Veterans Affairs/St. Paul
- Vacancy notices sent to the ADA Coordinator of the Minnesota Department of Employment and Economic Development
- Vacancy notices sent to Minnesota and North Dakota job services
- Vacancy notices posted on the MSUM and MnSCU websites
- Newsletters
- Organizations serving the disabled such as the Minnesota Council on Disability, Minnesota Department of Economic Security, Rehabilitation Consulting & Services in Fargo, and Rehabilitation Services in Moorhead were contacted informing them of MSUM's website, which listed openings

Classified Positions:

Networking continued to be a source of applicants. Contacts over the past year included:

- Cultural Diversity Resources
- Rural Minnesota CEP (Cooperative Employment Program)
- Experience Works

Individual contacts by phone, in person, or via letter or email were made as opportunities presented themselves.

Job Fair Attendance

No job fairs were attended during the previous reporting period. Attendance at job fairs for the upcoming period is not anticipated.

Projected Hiring Opportunities and Recruitment Strategies

According to the utilization analysis included in Table 1, MSUM is underutilized in several job groups. In those job groups where underutilization exists and vacancies are anticipated, MSUM will make a good faith effort, through its recruitment process, to meet the hiring goals included in Table 2 by the end of the reporting period 2008-2010. As stated in the Hiring Goals and Timetables section, if goals and/or full utilization are not achieved by the end of the reporting period, MSUM may establish new goals based on utilization and anticipated vacancies.

Strategies to recruit for those positions in job groups where underutilization has been identified will be similar to those used during the previous reporting period with some modifications. For example, since the internet has become a much more effective recruiting tool, we expect to continue expanding the use of the internet.

Internships

At MSUM, an internship is a supervised work experience for up to 12 university credits. The objective is to allow students, including members of protected groups, to gain applied experience that would not otherwise be possible in the classroom and to reinforce the choice of one's major field of study. To take an internship for credit at MSUM, a student must hold at least junior status. A variety of internships are available in local, state and federal government agencies, public service organizations, and private business. Hundreds of internships are listed each year on the MSUM Career Services website www.mnstate.edu/career.

Students who wish to serve an internship for university credit must meet with the Internship Coordinator in the academic major of their choice. Many of the departmental internship coordinators receive internship listings that are not posted on the MSUM Career Services website. Departmental internship coordinators are the contacts who will assist in planning an internship experience that will enhance professional growth and meet academic expectations. See the "Academic Information" section of MSUM's Bulletin or "Internship" in the Index for additional internship policy information.

General questions regarding internships -- when and how to apply, résumé/letter preparation, finding leads through career/job fairs and through use of directories and the Internet -- can be answered by the Internship Coordinator in Career Services. Call (218) 477-2131/V for an appointment. Serving an internship is one way to gain related experience to strengthen a competitive edge in the job market following graduation.

Recruitment of Persons with Disabilities

In an effort to reach persons with disabilities, MSUM will continue to send vacancy notices to the ADA Coordinator of the Minnesota Department of Employment and Economic Development for the purpose of getting the notice of a vacancy to rehabilitation counselors at Minnesota workforce centers. In addition, organizations such as the Minnesota Council on Disability, Rehabilitation Consulting & Services in Fargo, and Rehabilitation Services in Moorhead will be contacted, informing them of the MSUM website, which lists openings. These organizations will be asked to inform their constituents of the website listing openings. Additional sources for recruiting persons with disabilities will also be made available to search committees.

Supported Work

MSUM supports the employment of individuals with disabilities who have traditionally faced employment barriers to successful employment. MSUM's objective, either through direct recruitment or providing a host training site, is committed to providing opportunities for individuals to utilize job skills that will mutually benefit the individual and MSUM.

The Human Resources office has coordinated several work opportunities to promote job placements under the Supported Employment Program (e.g., Building Services, Housing, Human Resources, Library, and Post Office), and will continue to do so.

MSUM will not discriminate against qualified individuals with disabilities and will comply with ADA and other laws governing employment of persons with disabilities.

Assignment of Responsibility

Responsibility for implementation of the retention plan involves a coordinated effort among several persons including the AAO, Human Resources office staff, Vice Presidents, Deans, and Directors.

13. RETENTION PLAN – SEPARATION ANALYSIS

Assignment of Responsibility

Responsibility for the implementation of MSUM's retention plan involves a coordinated effort among several persons or groups, including the AAO, Human Resources office staff, Vice Presidents, Deans and Directors.

Separation Analysis

Table 3 shows a breakdown of the MSUM's separation patterns for FY2007. Information included in Table 3 shows the following:

- Overall, MSUM had a total of 38 separations. Of these, 35 (92.1%) were voluntary separations and 3 (7.9%) were involuntary.
- There were 26 separations in the unclassified area. Of these, 23 (88.5%) were voluntary separations and 3 (11.5%) were involuntary.
- In the classified area, there were 12 separations. All were voluntary.

There were no layoffs at MSUM during the two-year reporting period.

More detailed information for women, minorities and persons with disabilities by job groups is included in Table 3.

Adverse Impact Analysis for Separations

An adverse impact analysis for separations is done to determine if there is a substantially different rate of separation for women, minorities, and persons with disabilities than for employees who are not included in those three groups. A finding of adverse impact (a number above 1.2) is a starting point to determine if discrimination is occurring in separations.

The results of MSUM's adverse impact analysis is included in Table 4. Based on the adverse impact analysis, the only group that showed an adverse impact in separations was persons with disabilities in the classified area. However, because only one person with a disability separated from MSUM, no meaningful generalizations or conclusions could be made in this situation.

As mentioned above, Table 3 shows specific separation information for the different groups.

Table 3
MINNESOTA STATE UNIVERSITY MOORHEAD
SEPARATION ANALYSIS
(FY 2007)

Separation By Groups	Total		Minorities		Women		Persons w/Disabilities	
	#	%	#	%	#	%	#	%
Agency - MSUM	38	100.0	3	7.9	17	44.7	1	2.6
<u>Unclassified</u>	26	100.0	3	11.5	11	42.3	-	-
Voluntary:	23	100.0	2	8.7	10	43.5	-	-
Exec/Admn/Mgr	2	100.0	1	50.0	1	50.0	-	-
Professionals:								
Non-Faculty	5	100.0	1	20.0	4	80.0	-	-
Faculty:	16	100.0	-	-	5	31.3	-	-
Involuntary:	3	100.0	1	33.3	1	33.3	-	-
Exec/Admn/Mgr	-	-	-	-	-	-	-	-
Professionals:								
Non-Faculty	1	100.0	1	100.0	-	-	-	-
Faculty	2	100.0	-	-	1	50.0	-	-
<u>Classified</u>	12	100.0	-	-	6	50.0	1	8.3
Voluntary:	12	100.0	-	-	6	50.0	1	8.3
Exec/Admn/Mgr	-	-	-	-	-	-	-	-
Professional	3	100.0	-	-	2	66.7	-	-
Clerical/Secretarial	5	100.0	-	-	4	80.0	1	20.0
Tech/Paraprofessional	-	-	-	-	-	-	-	-
Skilled Craft	1	100.0	-	-	-	-	-	-
Service/Maintenance	3	100.0	-	-	-	-	-	-
Involuntary:	-	-	-	-	-	-	-	-
Exec/Admn/Mgr	-	-	-	-	-	-	-	-
Professional	-	-	-	-	-	-	-	-
Clerical/Secretarial	-	-	-	-	-	-	-	-
Tech/Paraprofessional	-	-	-	-	-	-	-	-
Skilled Craft	-	-	-	-	-	-	-	-
Service/Maintenance	-	-	-	-	-	-	-	-

Note: Data does not include information about appointments of a temporary or fixed-term nature with the exception of four year fixed-term athletic coaching appointments.

Voluntary - includes resignations, retirements, or transfers

Involuntary - includes failure to meet conditions of appointment or death. There were no layoffs.

Table 4
MINNESOTA STATE UNIVERSITY MOORHEAD
ADVERSE IMPACT ANALYSIS
(FY 2007)

Protected Group	Adverse Impact (any number above 1.2)		
	Total MSUM	Unclassified	Classified
Women	.69	.78	.59
Minority	.95	.99	.00
Persons with Disabilities	.82	.00	1.68

Note: Any number above 1.2 is generally considered to be a finding of adverse impact. However, the 1.68 rate of separation in the persons with disabilities group in the classified area is based on such a small number (only one person with a disability in the classified area separated from MSUM) that no meaningful generalizations or conclusions can be made in this situation.

The calculation for determining adverse impact is shown below:

Protected group (e.g., women, minorities, and persons with disabilities)	Total number of protected group separations	=X	Total number of non-protected group separations	=Y	.X	=ZZ (adverse impact)
	divided by		divided by		divided by	
	Total number of protected group in workforce		Total number of non-protected group in workforce		.Y	

The data used for MSUM's adverse impact analysis are obtained from the following tables:

Table 1 (page 23) - total number of protected and non-protected group in workforce

Table 3 (page 56) - total number of protected and non-protected group separations

Methods to Retain Protected Group Members

- In order to promote professional development, employees will be encouraged to apply for sabbatical leave, research grants, and other career advancement and mobility opportunities available to MSUM employees. Administrative supervisors or heads will inform their employees of career development opportunities. In addition employees may also request approval from their respective supervisors to participate in training and educational programs.
- Each administrative supervisor or head will assess all candidates for promotion or tenure on the basis of performance, achievement, and criteria included in bargaining unit contracts/personnel plans. Promotion and tenure patterns will be reviewed to determine the impact on minorities, women, and persons with disabilities.
- Separation data, including potential layoffs, will continue to be monitored to identify the impact on protected group members and to identify potential problems.
- Multicultural and diversity activities will continue to be sponsored for both employees and students.
- Alternative dispute resolution or mediation services will be considered as an option to resolve conflicts, as appropriate.

APPENDICES

APPENDIX A

FEDERAL EE0-6 OCCUPATIONAL (JOB GROUP) DEFINITIONS FOR HIGHER EDUCATION INSTITUTIONS

Federal EEO-6 Occupational Definitions For Higher Education Institutions

A. Executive, Administrative and Managerial

Include all persons whose assignments require *primary* (and major) responsibility for management of the institution, or a customarily recognized department or subdivision thereof. Assignments require the performance of work directly related to management policies or general business operations of the institution department or subdivision, etc. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise discretion and independent judgement, and to direct the work of others. Report in this category all officers holding such titles as President, Vice President, Dean, Director, or the equivalent, as well as officers subordinate to any of these administrators with such titles as Associate Dean, Executive Officer of academic department heads, or the equivalent if their principal activity is administrative.

NOTE: Supervisors of professional employees are included here, while supervisor of nonprofessional employees (technical, clerical, craft, and service/maintenance) are to be reported within the specific categories of the personnel they supervise.

B. Faculty (Instruction/Research/Public Service)

Include all persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities), and who hold academic rank titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any of these academic ranks. Do not include student teaching or research assistants or medical interns or residents.

C. Other Professionals (Support/Service)

Include in this category persons employed for the primary purpose of performing academic support, student service and institutional support activities and whose assignments would require either college graduation or experience of such kinds and amount as to provide a comparable background. Include employees such as librarians, accountants, personnel, counselors, systems analysis, coaches, lawyers, and pharmacists, for example.

D. Clerical and Secretarial

Include all persons whose assignments typically are associated with clerical activities or are specifically of a secretarial nature. Include personnel who are responsible for internal and external communications, recording and retrieval of data (other than computer programmers) and/or information and other paperwork required in an office, such as bookkeepers, stenographers, clerk typists, office-machine operators, statistical clerks, payroll clerks, etc. Include also sales clerks such as those employed full time in the bookstore, and library clerks who are not recognized as librarians.

E. Technical and Paraprofessional

Include all persons whose assignments require specialized knowledge or skills which may be acquired through experience or academic work such as is offered in many 2-year technical institutes, junior colleges, or through equivalent on-the-job training. Include computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed practical or vocational nurses, dietitians, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical sciences), and similar occupational activity categories but which are institutionally defined as technical assignments. Include persons who perform some of the duties of professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept.

F. Skilled Craft

Include all persons whose assignments typically require special manual skills and a thorough and comprehensive knowledge of the processes involved in the work, acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Include mechanics and repairers, electricians, stationary engineers, skilled machinists, carpenters, compositors and typesetters, upholsterers.

G. Service/Maintenance

Include persons whose assignments require limited degrees of previously acquired skills and knowledge and in which workers perform duties which result in or contribute to the comfort, convenience and hygiene of personnel and the student body or which contribute to the upkeep and care of buildings, facilities or grounds of the institutional property. Include chauffeurs, laundry and dry cleaning operatives, cafeteria and restaurant workers, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, construction laborers, security personnel.

APPENDIX B

JOB GROUPS FOR UNCLASSIFIED AND CLASSIFIED EMPLOYEES

JOB GROUPS FOR UNCLASSIFIED AND CLASSIFIED EMPLOYEES

Unclassified Employees

Executive, Administrative, and Managerial (EEO-6 Code A): Administrators, included in the following unit:

- 220: Personnel Plan for MnSCU Administrators

Professionals (EEO-6 Codes B and C): Members of the following bargaining units:

- 209: Inter Faculty Organization (IFO)
- 211: Minnesota State University Association of Administrative and Service Faculty (MSUAASF)

Classified Employees

Note: In some cases bargaining units are represented in one or more of the job groups.

Executive, Administrative, and Managerial (EEO-6 Code A): Members of the following unit:

- 220: Classified Managerial

Professional (EEO-6 Code C): Members of the following bargaining units/plan:

- 205: Health Care Professionals - MN Nurses Association
- 213: Health Care Professionals
- 214: General Professional - MN Association of Professional Employees
- 216: Supervisory - Middle Management Association
- 217: Commissioner's Plan

Clerical/Secretarial (EEO-6 Code D): Members of the following bargaining units/plan:

- 206: Clerical Office - AFSCME. Council No. 6
- 217: Commissioner's Plan not included in the Professional job group (i.e., Office and Administrative Specialist Principle and Office Services Supervisor 1)

Technical/Paraprofessional (EEO-6 Code E): Members of the following bargaining units/plan:

- 207: Technical - AFSCME. Council No. 6
- 216: Supervisory - Middle Management Association not included in the Professional job group (i.e., Accounting Technician Supervisor)
- 217: Commissioner's Plan not included in the Professional or Clerical/Secretarial job group (i.e., Personnel Aide)

Classified Employees (Cont.)

Skilled Craft (EEO-6 Code F): Members of the following bargaining units:

- 202: Craft, Maintenance, Labor - AFSCME, Council No. 6
- 216: Supervisory - Middle Management Association not included in the Professional or Technical/Paraprofessional job groups (i.e., Power Plant Chief Engineer)

Service/Maintenance (EEO-6 Code G): Members of the following bargaining units:

- 203: Service - AFSCME, Council No. 6
- 216: Supervisory-Middle Management Association not included in the Professional, Technical/Paraprofessional, or Skilled Craft job groups (i.e., Grounds and Roads Maintenance Supervisor, Building Services Manager, University Print Shop Supervisor 1, and Building Services Foreman)

APPENDIX C

**SUPPLEMENTAL PERSONNEL DATA FOR
AFFIRMATIVE ACTION RECRUITMENT FORM
FOR
UNCLASSIFIED OPENINGS**

Supplemental Personnel Data for Affirmative Action Recruitment



Vacancy # _____

Minnesota State University Moorhead is committed to the policies and principles of affirmative action and nondiscrimination in its recruitment procedures. To advance the implementation of these policies and to assist the University in responding to valid inquiries by federal and state agencies relative to nondiscrimination and affirmative action, you are being asked to complete this form. You are not required by law to provide this information, and there will be no consequences for your employment regardless of whether you choose to do so.

If you choose to provide it, please mail or fax to:

Barb Seiler, Affirmative Action Officer
Minnesota State University Moorhead
1104 7th Avenue South
Moorhead, MN 56563
FAX: 218.477.4345

This information will be kept separate from your file and will not be provided to the screening committee.

1. **Name:** _____

2. **Position applying for:** _____

3. **Application date:** _____

4. **Department in which vacancy exists:** _____

5. **Sex:** Female Male

6. **Are you Hispanic or Latino?** Yes No (Hispanic or Latino is defined as a person of Cuban, Mexican, Chicano, Puerto Rican, South or Central American, or other Spanish culture regardless of race.)

Race and ethnic background (Select any that apply)

American Indian or Alaskan Native – A person having origins in any of the original peoples of North, Central or South America and who maintains tribal affiliation or community attachment

Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent

Black or African American – A person having origins in any of the black racial groups of Africa

Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands

White – A person having origins in any of the original peoples of Europe, the Middle East or North Africa

7. **Are you a person with a disability?** Yes No (Disability is defined as: has a physical, sensory, or mental condition which significantly limits one or more of the major life activities; OR has a record of such a condition; OR is regarded as having such a condition.)

Note: Please note that checking “yes” will not be considered to be a request for a reasonable accommodation under Minnesota State Colleges and Universities Policy or federal or state law. If you wish to request a reasonable accommodation for a disability, contact Edward L. Choate, Human Resources Director, 218.477.2066.

8. **How Did You Learn About This Vacancy?**

Journal, newspaper, or other publication: Specify specific source: _____

Vacancy notice: Where posted: _____

HigherEdJobs.com

Other website(s): Please list _____

Word of mouth from: Campus Employee Other _____

Invited to apply by: Campus Employee Other _____

If none of the above please specify: _____

OTHER APPLICATION MATERIALS SHOULD BE SENT TO: Chair, Search Committee

APPENDIX D

AFFIRMATIVE ACTION RECRUITMENT DATA FORM FOR CLASSIFIED OPENINGS

Affirmative Action Recruitment Data Form

Minnesota State University Moorhead is committed to the policies and principles of affirmative action and nondiscrimination in its recruitment procedures. To advance the implementation of these policies and to assist the University in responding to valid inquiries by federal and state agencies relative to nondiscrimination and affirmative action, you are being asked to complete this form. The information you are being asked to provide will be used for reporting requirements. Failure to submit the information will not disqualify you from present or future employment. Please be assured that completion of this form is voluntary.

Name: _____

Position Applied for: _____

This information will be kept separate from your file and will not be provided to the screening committee.

1. **Sex** Female Male

2. **Are you Hispanic or Latino?** **yes** **no**

Racial and Ethnic Background (select any that apply)

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

3. **Disabled:** **yes** **no** (Having a physical impairment which substantially or materially limits one or more major life activities; has a record of such impairment; or is reported as having such impairment)

4. **How did you learn about this vacancy?**

- Website (please circle)
Department of Employee Relations, MSUM, CareerFM, Higher Ed Jobs,
ND Job Service, MN Job Service, Other _____
- Newspaper (please circle)
Fargo Forum, Job Dig
- University Posting
- Word of Mouth
- Human Resources Office
- Workforce Center
- Trade journal
- If none of the above, please specify: _____

Thank you for your attention.

APPENDIX E

**STATE OF MINNESOTA
APPLICATION FOR EMPLOYMENT**

EMPLOYMENT CONDITIONS

Check all you are willing to work.

- | | | | | |
|---|---|---------------|---|--|
| <input type="checkbox"/> All conditions | <input type="checkbox"/> Temporary, full-time | Shift: | <input type="checkbox"/> All shifts | <input type="checkbox"/> TRAVEL: If you are willing to travel in this job, check this box. |
| <input type="checkbox"/> Intermittent (on call as needed) | <input type="checkbox"/> Temporary, part-time | | <input type="checkbox"/> Day shift | |
| <input type="checkbox"/> Permanent, full-time | <input type="checkbox"/> Seasonal, full-time | | <input type="checkbox"/> Evening shift | |
| <input type="checkbox"/> Permanent, part-time | <input type="checkbox"/> Seasonal, part-time | | <input type="checkbox"/> Night shift | |
| | | | <input type="checkbox"/> Rotating shift | |

SALARY

Minimum Annual Salary you are willing to accept. \$ _____/yr. I am interested in service or labor-type positions that do not require prior work experience.

FOR CURRENT STATE EMPLOYEES ONLY

Name of Department (not division) where you work **AND** current job classification. _____

Are you interested in transfers within your same class at a different agency? Yes No

Are you interested in demotions to job classes included in resume-based selection? Yes No

EQUAL EMPLOYMENT OPPORTUNITY INFORMATION

Please check the appropriate boxes:

Gender: Male Female

With which racial/ethnic group do you identify?

- | | |
|--|--|
| <input type="checkbox"/> Asian or Pacific Islander | <input type="checkbox"/> American Indian or Alaskan Native |
| <input type="checkbox"/> African American (Black) | <input type="checkbox"/> Caucasian (White) |
| <input type="checkbox"/> Hispanic | <input type="checkbox"/> Other |

Disability status: An individual with a disability is a person who (1) has a physical, sensory, or mental impairment which substantially limits one or more major life activities; (2)) has a record of such an impairment; or (3) is regarded as having such an impairment.

Do you claim disability status? Yes No

If you need a reasonable accommodation, please specify type of accommodation needed. _____

VETERANS PREFERENCE

You may be required to provide proof of the Veterans Preference you claim before you are hired.

GENERAL To qualify for Veterans Preference, you must meet all of the following.

- 1) Have separated under honorable conditions from any branch of the armed forces of the United States.
- 2) Have served on active duty for 181 consecutive days or more OR for the full period ordered to active duty OR have separated by reason of disability incurred while serving on active duty.
- 3) Be a United States citizen OR resident alien.

If you meet all the above, check the appropriate box(es) below.

- I am a non-disabled veteran.
- I am a disabled veteran with a currently existing, compensable, service-connected disability as judged by the U.S. Veteran's Administration or by the Retirement Board of the Branches of the Armed Forces.
- I am the widow/widower (not remarried) of a deceased veteran.
- I am the spouse of a disabled veteran who is unable to qualify because of the disability.

WHERE DID YOU HEAR ABOUT THIS JOB?

The following information will help us evaluate our recruiting program. Please check the appropriate box.

- | | |
|---|--|
| <input type="checkbox"/> State of Minnesota Employment Web Site | <input type="checkbox"/> Referred by State Employee |
| <input type="checkbox"/> State Agency or Agency Web Site | <input type="checkbox"/> I am a State Employee |
| <input type="checkbox"/> Other Web Site | <input type="checkbox"/> Newspaper |
| <input type="checkbox"/> Minnesota Workforce Center | <input type="checkbox"/> College/University/Technical School Posting |
| <input type="checkbox"/> Job Information Line | <input type="checkbox"/> Other _____ |

- IMPORTANT -

The state has the right to verify information provided in this application and resume. False information may subject an applicant to the penalty provisions of M.S. 43A.39. In connection with this application for employment, I authorize the State of Minnesota and any agent acting on its behalf to conduct an inquiry into any job-related information contained in this application and resume, including, but not limited to, my records maintained by an educational institution relating to academic performance such as transcripts. Moreover, I hereby release the State of Minnesota and any agent acting on its behalf from any and all liability of whatsoever nature by reason of requesting such information from any person.

I declare that all information in this application and resume is true and complete and hereby acknowledge that I have read and understand the information above.

I understand that I will be required, prior to hire, to provide proof of eligibility to work in the United States and information on any relevant criminal convictions.

Date _____ Signature (do not print) _____

MUST ATTACH RESUME TO THIS APPLICATION TO BE CONSIDERED.

If you need this information in alternative formats, call (651) 296-2616 or (651) 282-2699 TTY or Outside of the Metro Area (800) 657-3974.

THE STATE OF MINNESOTA IS AN EQUAL OPPORTUNITY, AFFIRMATIVE ACTION EMPLOYER