

MSU Moorhead

Affirmative Action Plan

2012-2014

Minnesota State University Moorhead is an equal opportunity educator and employer
and is a member of the Minnesota State Colleges and Universities System.



MINNESOTA STATE UNIVERSITY
MOORHEAD®

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 this policy or for copies of this policy, contact Donna Brown, Affirmative Action Officer or Ashley Atteberry, Title IX Coordinator, Owens 206, www.mnstate.edu/affirm.

This information can be made available in alternate formats by calling 218/477-5859/V or 1-800-627-3529 (MRS/TTY).

Dr. Donna Brown, Associate Vice President for Diversity, Inclusion and Affirmative Action
Phone: 218.477.2721; Email: donna.brown@mnstate.edu



Date: February 1, 2013

To: Dr. Donna Brown, Associate VP for Diversity & Inclusion
Agency: Minnesota State University Moorhead

RE: **2012-2014 Affirmative Action Plan**

Dear Staff:

Congratulations! Your agency's 2012 – 2014 Affirmative Action Plan has been approved by Minnesota Management & Budget (MMB).

Upon receipt of this letter, please forward an electronic copy of the plan to the Legislative Reference Library at reports@lrl.leg.mn and two (2) paper copies to the Minnesota Legislative Reference Library at 645 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd, St. Paul, MN 55155-1050 or use interoffice mail.

Thank you for your cooperation!

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Feaman", written in a cursive style.

Ann Feaman
State Affirmative Action Program Coordinator
Minnesota Management & Budget
Ann.Feaman@state.mn.us

Minnesota State University Moorhead
2012 – 2014 Affirmative Action Plan

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I. EXECUTIVE SUMMARY

Review revealed underutilization of the following protected group(s) in the following goal units:

GOAL UNITS	PROTECTED GROUPS		
	Minorities Persons of Color	Women	Persons With Disabilities
<i>Unclassified Employees</i>			
Exec, Admin, Mgr	X		X
Professional:			
Non-Faculty	X		X
Faculty	X	X	X
<i>Classified Employees</i>			
Professional	X	X	X
Clerical/Secretarial	X		X
Technical/Paraprofessional	X		X
Skilled Craft	X	X	X
Service/Maintenance	X	X	X

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee to is aware of the MSU Moorhead's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

This affirmative action plan meets the applicable laws and rules governing affirmative action, and contains the goals and timetables as well as reasonable and sufficiently assertive methods for achieving them. This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure.


 Affirmative Action Officer

9-8-2012
 Date

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


 Chief Human Resources Officer

9/7/2012
 Date


 President

1/2/13
 Date

II. STATEMENT OF COMMITMENT

Minnesota State University Moorhead 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, discrimination in employment based on 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. MSU Moorhead 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.

MSU Moorhead 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 MSU Moorhead's policy to actively pursue equal employment practices during all phases of the employment process. In that spirit, MSU Moorhead 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.



Dr. Edna Mora Szymanski
President

9/25/12

Date

III. RESPONSIBILITY FOR IMPLEMENTATION

A. President

As the primary administrator of MSU Moorhead, the President is responsible for overseeing MSU Moorhead'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 MSU Moorhead 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, as well as evaluate their respective performance of these responsibilities as part of their annual performance review.
4. Ensure that underutilized group members are included on respective committees throughout MSU Moorhead and that the various constituencies within MSU Moorhead are also represented subject to the provisions of collective bargaining agreements.
5. Provide MnSCU and Minnesota Management & Budget (MMB) with information regarding MSU Moorhead's efforts and accomplishments in meeting goals, following established laws, regulations, and procedures.

The President, Edna Szymanski, Owens 203, 218-477-2243, is directly accountable to the Chancellor on all matters relating to EO/AA at MSU Moorhead.

B. Affirmative Action Officer

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 MSU Moorhead complies with federal/state laws and regulations, as well as MnSCU System policies and procedures pertaining to EO/AA.
3. Develop, implement, monitor, and evaluate MSU Moorhead EO/AA programs, plans, and guidelines.

4. Monitor the search and selection process for all unclassified positions at MSU Moorhead to assure compliance with EO/AA laws, regulations, policies, and procedures.
5. Provide guidelines/recommendations to appropriate members of the MSU Moorhead 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 MSU Moorhead ombudsperson and primary resource for employees and students on EO/AA laws, regulations, policies, and procedures.

The Associate Vice President for Diversity and Inclusion and University Affirmative Action Officer, Donna Brown, is accountable to the President and to the Human Resources Director for all of the above matters.

C. Title IX Coordinator

1. Review, investigate, and process complaints of discrimination/harassment against employees, in accordance with the MnSCU 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure.

Director of Student Conduct & Resolution and Title IX Coordinator, Ashley Atteberry, Owens 206, 218-477-2174 is accountable to the president for issues concerning complaints and investigations.

NOTE: When appropriate, the Affirmative Action Officer and Title IX Coordinator work in collaboration to address all issues concerning complaints and investigations.

D. Administrators and Supervisors

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

1. Assure compliance with all EO/AA policies, plans, and procedures in their respective units.
2. Assure that all employees within their units are informed of MSU Moorhead's EO/AA policies, procedures, and practices.
3. Provide employee participation, as appropriate, for all MSU Moorhead efforts relating to EO/AA.

4. Provide input in preparing the Affirmative Action Plan.
5. Identify factors which may impede MSU Moorhead's pursuit of its EO/AA goals and objectives.

Accountability for Administrators and Supervisors is reflected in MSU Moorhead's organization charts which are accessible on the Human Resources website at www.mnstate.edu/humanres/chartsrosters/index.shtml.

E. Director of Human Resources

In addition to the responsibilities and duties described above for Administrators/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 MSU Moorhead, in accordance with Minnesota Statutes 43.18 and other relevant laws, personnel rules, contracts, and administrative procedures.
3. Ensure that the recommendations of Administrators/Supervisor and others involved in the hiring process are based on job related criteria and are consistent with affirmative action goals and objectives.

Mark Yuran, Chief Human Resources Officer, Owens 214, 218-477-2066, is accountable to the President.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

A. Internal Methods of Communication

1. Website <http://www.mnstate.edu/affirm/AAPlan2012-2014.pdf>
2. Affirmative Action office, Owens Hall 206
3. Human Resources office, Owens 214

B. External Methods of Communication

1. Website <http://www.mnstate.edu/affirm/AAPlan2012-2014.pdf>

V. NONDISCRIMINATION IN EMPLOYMENT AND EDUCATION OPPORTUNITY POLICY

The MnSCU Board of Trustees' Nondiscrimination in Employment and Education Opportunity Policy is available to all members of MnSCU, of which MSU Moorhead 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.

Appendix 2: Nondiscrimination in Employment and Education Opportunity

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS OF ALLEGED HARASSMENT/DISCRIMINATION

Minnesota State University Moorhead, as a member of the Minnesota State Colleges and Universities system (MnSCU) complies with the MnSCU Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure.

Appendix 3: Report/Complaint of Discrimination/ Harassment Investigation and Resolution
Appendix 4: Discrimination/Harrassment Complaint Form

VII. REASONABLE ACCOMMODATION POLICY

The MnSCU System's Reasonable Accommodations in Employment procedure and MSU Moorhead's Reasonable Accommodation policy and procedures are intended to further implement MnSCU's procedure, in compliance with federal and state regulations.

Appendix 5: MnSCU Reasonable Accommodations in Employment
Appendix 6: MSU Moorhead Reasonable Accommodation Policy and Procedures
Appendix 7: MSU Moorhead Employee Reasonable Accommodation Request Form

Denise Gorsline, Dean of the University College, Flora Frick 153C, 218-477-4623 is responsible for administering requests from employees for reasonable accommodations. She also oversees MSU Moorhead's overall compliance with federal, state, and system regulations.

VIII. EVACUATION PROCEDURES FOR PERSONS WITH DISABILITIES

The MnSCU Board of Trustees' Weather/Short Term Emergency Closings policy is included in Appendix 8. MSU Moorhead's Emergency Preparedness Guide is located on the MSU Moorhead Campus Security website at www.mnstate.edu/security/preparedness.cfm. See www.mnstate.edu/security/disabilities.cfm for specific procedures for persons with disabilities.

Appendix 8: MnSCU Weather/Short Term Emergency Closings

Appendix 9: MSU Moorhead Emergency Procedures for Persons with Disabilities

IX. GOALS AND TIMETABLES

Affirmative action 2010-12 hiring goals for MSU Moorhead are listed below. Only permanent and probationary positions are included in the data, with a two-year timetable for all categories.

MINNESOTA STATE UNIVERSITY MOORHEAD						
2012-2014 Affirmative Action Goals						
	Minorities		Women		People with Disabilities	
EEO JOB GROUP	# Under-utilized	Goal	# Under-utilized	Goal	# Under-utilized	Goal
Unclassified Employees						
Exec, Admin, Mgr	2	2	0	0	3	2
Professional:						
Non-Faculty	7	6	0	0	5	4
Faculty	23	18	15	12	25	20
Classified Employees						
Professional	3	2	4	3	4	3
Clerical/Secretarial	3	2	0	0	7	6
Technical/Paraprofessional	1	1	0	0	2	2
Skilled Craft	1	1	1	1	1	1
Service/Maintenance	1	1	11	9	3	2

Note: For the descriptions of the job groups, see Appendix 1: Job Group Descriptions.
 Availability for unclassified positions is based on 2000 National Census data.
 Availability for classified positions is based on the most current State of Minnesota data.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

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

A. Enhance MSU Moorhead's Recruitment Efforts

Action Steps:

- The AAO will provide training to all search committee chairs on conducting a fair hiring process and will provide committees with strategies to recruit diverse applicants.
- 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 MSU Moorhead's commitment to affirmative action and to aid Search Committees and Administrators/Supervisors in identifying and selecting highly qualified candidates for positions, including minorities, women, and persons with disabilities.
- Advise Search Committees on recruitment sources to assist in the Search Committee's efforts.
- In addition to the development and implementation of its Affirmative Action Plan, MSU Moorhead's Cultural Diversity/Affirmative Action Committee will focus its efforts on enhancing the access and success of diverse populations, including women, minorities, and persons with disabilities, in its programs and activities.

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

B. Monitor and Enhance MSU Moorhead's Retention Efforts

Action Steps:

- Distribute a notice to all employees annually regarding MSU Moorhead's commitment to civility in its work and learning environment, and MSU Moorhead'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 MSU Moorhead'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 and continually via the MSU Moorhead website 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.
- MSU Moorhead's Cultural Diversity/Affirmative Action Committee will focus its efforts on enhancing the success and access of diverse populations in its programs and activities including retention efforts.

C. Promote Diversity Awareness and Enhance Campus Climate

Action Steps:

- Address MSU Moorhead's overall efforts to enhance the success and access of diverse populations in its programs and activities as mentioned in Objectives A and B.
- 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), an 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 (MSU Moorhead, 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.
- Incorporate appropriate aspects of diversity into the evaluation of all employees at MSU Moorhead.

XI. METHODS OF EVALUATING AND REPORTING PROGRAM SUCCESS

The MSU Moorhead Affirmative Action Plan will be regularly reviewed by the Affirmative Action Officer/Associate Vice President for Diversity and Inclusion, the Chief Human Resources Officer, the Director of Public Safety, and the Director of Student Conduct and Resolution/Title IX Coordinator.

MSU Moorhead's Affirmative Action Officer/Associate Vice President for Diversity and Inclusion will monitor employment procedures to evaluate progress and ensure that the nondiscriminatory policy is carried out.

Potential layoffs are determined by seniority, skillsets, programmatic changes, and budget. The Chief Human Resources Officer and AAO will review all layoff plans to determine their effect on the affirmative action goals and timetables and inform management. If layoff plans have a negative effect on the agency's affirmative action goals, the Chief Human Resources Officer and AAO shall inform administration of alternatives available which are in keeping with the collective bargaining agreements and plans.

A summary of the accomplishments of the prior year's Affirmative Action goals and objectives will be completed yearly and included in the biennial Affirmative Action Plan.

XII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure our vacancy announcements are publicly marketed, attract and obtain qualified applicants, enhance the image of state employment and to assist in meeting our agency affirmative action goals to achieve a diverse work force.

Listed below are various recruitment methods or strategies utilized by MSU Moorhead during the past year.

A. Advertising Sources

Advertising Sources Used During FY11

Unclassified Openings:

Sources	# identified as used in searches
HigherEdJobs.com	27
MSU Moorhead website	26
MnSCU website	22
Fargo Forum	13
Chronicle of Higher Ed	13
Indeed.com	11

Personal contacts	10
Existing candidate pool	9
Other colleges	6
Retrenchment Listacancy notice	6
Networking	5
Star Tribune	5
Jobs HQ	4
Mailings	3
Retirement list	3
National Collegiate Athletic Association	3
Detroit Lakes Tribune	3
Turtle Mountain Star	3
MN Association for College Admissions Counseling	3
Minnesota Association of Counselors of Color	3
Landit.org	2
Young Men's Christian Association	2
Society For Cinema and Media Studies	2
University Film & Video Association	2

The remaining sources were all identified in one search:

Ed Post

VocRehab Inc. (Vocational Rehabilitation)

MN Assn. of Counselors of Color

Assn. of College Unions International

Assn. for Operations Management

MN Precision Manufacturer Assn.

H-Net (Humanities and Social Sciences Online)

National Assn. for College Admin. Counseling

Council for Advancement and Support of Education

MN Non-Profits Council

MN Chapter Assn. Fundraising Prof.

Hispanic Outlook

Inside Higher Ed

Journal of Blacks in Higher Ed

Women in Higher Ed

American Conference of Academic Deans

Council of Colleges of Arts and Sciences

Tribal College Journal

SACNAS (advancing Hispanics/Chicanos & Native Americans in science)

St. Paul Pioneer Press

Society for Human Resource Management

CUPA-HR (Higher Ed HR)

National Public Employer Labor Relations Assn.

National Academic Advising Assn.
Am. Assn. of Collegiate Registrars & Admn. Officers
American Institutes for Research
Theatre Communications Group- ArtSearch
Intl Assn. of Campus Law Enforcement Administrators
MN Personnel Assn.
Discoverpolicing.org
Assn. of Technology, Management, & Applied Engineering

B. Recruitment for Persons with Disabilities

In an effort to reach persons with disabilities, MSU Moorhead 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 MSU Moorhead 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.

C. Supported Employment

MSU Moorhead supports the employment of individuals with disabilities who have traditionally faced employment barriers to successful employment. MSU Moorhead'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 MSU Moorhead.

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

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

XIII. RETENTION PLAN

A. Person Responsible for Agency's Retention Program/Activities

Responsibility for the implementation of MSU Moorhead's retention plan involves a coordinated effort among several persons or groups, including the AAO, Human Resources office staff, and Administrators/Supervisors. The AAO, Donna Brown, oversees the retention activities.

B. Separation and Retention Analysis by Protected Groups

The separation analysis for the previous reporting period (FY2010 – FY 2011) shows the following:

- Overall, MSU Moorhead had a total of 51 separations. Of these, 48 were voluntary separations and 3 were involuntary.
- There were 5 separations in the unclassified area. Of these, all of them were voluntary separations.
- There were 46 separations in the classified area. Of these, 43 were voluntary separations and 3 were involuntary.
- The separations had an adverse effect on MSUM's affirmative action goal for women.
- The separations had an adverse effect on MSUM's affirmative action goal for minorities.
- The separations did not have an adverse effect on MSUM's affirmative action goal for persons with disabilities.

Notes: Data does not include faculty and does not include information about fixed term or other appointments of a temporary nature.

Voluntary separations include resignations and retirements.

Involuntary separations include deaths and dismissal.

C. Methods of Retention of Protected Groups

- To promote professional development, employees of protected groups will be encouraged to apply for sabbatical leave, research grants, and other career advancement and mobility opportunities available to MSU Moorhead employees. Administrators/Supervisors 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 Administrator/Supervisor 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 1: Job Group Descriptions

A. Officials and Administrators

Includes all employees whose assignments require meeting with the agency head or a designee to set broad agency policies which affect both internal and external statewide operations. Incumbents are expected to exercise discretion and independent judgement in assessing policy needs and ensure that policies created are in line with state and federal laws, rules and regulations. Includes all persons whose assignments require the performance of work directly related to management policies and the general business operations of the agency or institution. Persons must perform the above functions and should report directly to the agency director or deputy director. Includes directors, deputy directors, department heads, division directors, regional directors, district directors and unclassified administrative/managerial positions.

NOTE: Supervisory personnel of the professional, technical, clerical, skilled craft, and service/maintenance workforce will be reported within the specific categories of the personnel they supervise.

B. Office and Clerical

Includes employees responsible for internal and external communication, recording and retrieval of data and/or information and other paper work required in an office. Includes bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, secretaries, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.

C. Paraprofessionals

Includes employees who perform some of the duties of a professional or technician in a supportive role and who usually require less formal training and/or experience that normally required for professional or technical positions. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes library assistants, administrative assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker's aides, home health aides, and kindred workers.

D. Professionals

Includes all employees required to possess specialized and theoretical knowledge which is usually acquired through college training or work experience and other training which provides comparable knowledge. Includes personnel specialists, social workers, doctors, registered nurses, systems analysts, accountants, counselors, teachers, police captains and lieutenants, classified academic professional non-faculty employees, and kindred workers. Faculty whose primary assignment is conducting instructions, research, or public service, are also included in this category

E. Protective Service

Includes employees entrusted with public safety, security and protection of the public from destructive forces. Includes police, patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, and kindred workers.

F. Service/Maintenance

Includes workers performing duties related to the upkeep and care of buildings, facilities or grounds. Workers in this group may operate machinery. Includes chauffeurs, laundry and dry cleaning operators, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundkeepers, refuse collectors, construction laborers, and kindred workers.

G. Skilled Craft

Includes employees performing jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machinists, carpenters, compositors and typesetters, and kindred workers.

H. Technicians

Includes employees required to possess a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes computer programmers and operators, draftspersons, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, technicians (medical, dental, electronic, physical sciences), assessors, inspectors, police and fire sergeants and kindred workers.



Minnesota State Colleges and Universities
Board Policies
Chapter 1B – 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.

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

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

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

This policy supersedes all existing system, college, and university 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 with disabilities 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 Adoption:

09/20/94,

Date of Implementation: 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.

Appendix 3: Report/Complaint of Discrimination/ Harassment Investigation and Resolution



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 system office.

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

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

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

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

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

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

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

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

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

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

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

Part 4. Reporting Incidents of Discrimination/Harassment.

Subpart A. Reporting an incident. Any individual who believes she or he has been or is being subjected to conduct prohibited by Board Policy 1B.1 is encouraged to report the incident to the designated officer. The report/complaint

should be brought as soon as possible after an incident occurs.

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

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

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

Subpart D. Reports against System Office Employees or Board of Trustees. For reports/complaints that involve allegations against system office employees, the responsibilities identified in this procedure as those of the president are the responsibilities of the chancellor. Reports/complaints that involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice chair of the Board for processing. Such reports/complaints may be assigned to appropriate system personnel or outside investigatory assistance may be designated.

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

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

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

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

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

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

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

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

1. **Jurisdiction.** The designated officer shall determine whether the report/complaint is one which should be processed through another system office, college or university procedure available to the complainant; if appropriate, the designated officer shall direct the complainant to that procedure as soon as possible.
2. **Conflicts.** The designated officer should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another designated officer shall be assigned.
3. **Information provided to complainant.** At the time the report/complaint is made, the designated officer shall:

- a.) inform the complainant of the provisions of the Board Policy 1B.1 and this procedure;
 - b.) provide a copy of or Web address for Board Policy 1B.1 and this procedure to the complainant;
 - c.) determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement; and
 - d.) inform the complainant of the provisions of Board policy 1B.1 prohibiting retaliation.
4. **Complaint documentation.** The designated officer shall insure that the complaint is documented in writing. The designated officer may request, but not require the complainant to document the complaint in writing using the complaint form of the system office, college or university.
5. **Information provided to the respondent.** At the time initial contact is made with the respondent, the designated officer shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy. At the initial meeting with the respondent, the designated officer shall:
- a) provide a copy of or Web address for Board Policy 1B.1 and this procedure to the respondent;
 - b.) provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
 - c.) explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
 - d.) determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement; and
 - e.) inform the respondent of the provisions of Board policy 1B.1 prohibiting retaliation.
6. **Investigatory process.** The designated officer shall:
- a.) conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
 - b.) inform the witnesses and other involved individuals of the prohibition against retaliation;
 - c.) create, gather and maintain investigative documentation as appropriate;
 - d.) disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law; and

e.) handle all data in accordance with applicable federal and state privacy laws.

7. **Interim Actions.**

a.) Employee reassignment or administrative leave. Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

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

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

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

1. conduct or coordinate education/training;
2. facilitate voluntary meetings between the parties;
3. recommend separation of the parties, after consultation with appropriate system office, college or university personnel;
4. other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other

appropriate action;

5. the system office, college or university may use alternative dispute resolution or mediation services as a method of resolving discrimination or harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint;
6. upon completion of the inquiry, the designated officer may dismiss or refer the complaint to others as appropriate.

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

1. **Designated officer.** The designated officer shall:
 - a.) prepare an investigation report and forward it to the decisionmaker for review and decision;
 - b.) take additional investigative measures as requested by the decisionmaker; and
 - c.) be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). In determining the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.
2. **Decisionmaker.** After receiving the investigation report prepared by the designated officer, the decisionmaker shall:
 - a.) determine whether additional steps should be taken prior to making the decision. Additional steps may include:
 1. a request that the designated officer conduct further investigative measures;
 2. a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law; and
 3. a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.
 - b.) take other measures deemed necessary to determine whether a violation of Policy 1B.1 has been established;

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

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

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

Part 8. Appeal.

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

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

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

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

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

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

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

Part 11. Maintenance of Report/Complaint Procedure Documentation. During and upon the completion of the complaint process, the complaint file shall be maintained in a secure location in the office of the designated officer for the system office, college or university in accordance with the applicable records retention schedule. Access to the data shall be in accordance with the respective collective bargaining agreement or

personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act or other applicable law.

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

Date and Subject of Revision:

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

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

4/02/03 - amended portions of the policy - Part 1. - added second paragraph, Part 2, Subpart A - added second paragraph, Part 2, Subpart B – added second paragraph, Part 3, Subpart D, 1, 2. - slight modifications, Part 5, Subpart G, 3. - slight modification, Part 6 - deleted last sentence, Part 7, Subpart A - deleted a sentence, Part 7, Subpart C - slight addition, Part 10 - added second paragraph, December 18, 2000 - amended the entire policy

Designated Officers at MSU Moorhead

Allegations Against Employees and Students

Ashley Atteberry

Director of Student Conduct & Resolution
Title IX Coordinator
Owens 206D
Minnesota State University Moorhead
Moorhead, MN 56563
218-477-2174

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

Gregory Lemke

Director of Public Safety
Public Safety 108
Minnesota State University Moorhead
Moorhead, MN 56563
218-477-5869

Mark Yuran

Chief Human Resources Officer
Human Resources Department
Owens 214
Minnesota State University Moorhead
Moorhead, MN 56563
218-477-2066

Student Conduct Code

Ashley Atteberry
Director of Student Conduct & Resolution
Title IX Coordinator
Owens 206D
Minnesota State University Moorhead
Moorhead, MN 56563
218-477-2174

Sexual Violence Policy and Procedure

Gregory Lemke
Director of Public Safety
Public Safety 108
Minnesota State University Moorhead
Moorhead, MN 56563
218-477-5869

Ashley Atteberry
Director of Student Conduct & Resolution
Title IX Coordinator
Owens 206D
Minnesota State University Moorhead
Moorhead, MN 56563
218-477-2174

In compliance with the Jeanne Clery Act, all alleged criminal activity will be reported to the MSU Moorhead Campus Security Office and/or the appropriate law enforcement agency.
For TTY Communication, contact the Minnesota Relay Service at 1-800-627-3529.

Appendix 4: Discrimination/Harrassment Complaint Form

(This is a condensed version of the discrimination/harrassment complaint form, for the complete form visit web.mnstate.edu/affirm/FORMS/D-HComplaintForm.htm)

1. TODAY'S DATE: _____

2. COMPLAINANT:

If more than one complainant, complete information for each. Add additional pages if necessary.

NAME OF COMPLAINANT: _____

Address (Work): _____

Address (Home): _____

Phone: _____

Status: ___ Student ___ Faculty ___ Staff ___ Administrator ___ External/Non-Campus

3. TYPE OF COMPLAINT: ___ Discrimination ___ Harassment ___ Retaliation

4. BASIS OF THE COMPLAINT:

Check and provide the information requested for only those that the complaint is based on.

Race: Specify _____

Sex: ___ Male ___ Female

Color: Specify _____

Creed: Specify _____

Religion: Specify _____

Age: Include date of birth _____

National Origin: Specify _____

Disability: Specify name of disability _____

Marital Status: Specify _____

Sexual Orientation: Specify _____

Reliance on Public Assistance: Specify type of assistance _____

Membership/Activity in Local Commission: Specify name of local commission _____

Retaliation: Specify reason for retaliation _____

5. RESPONDENT(S)/ACCUSED:

If more than one respondent/person accused, include complete information for each. Add additional pages if necessary.

NAME OF RESPONDENT: _____

Address: _____

Phone: _____

Status: ___ Student ___ Faculty ___ Staff ___ Administrator ___ External/Non-Campus

6. DETAILS OF COMPLAINT:

Explain your complaint in detail. Include the following information: Add additional pages if necessary.

a. Describe the specific incident(s) of alleged discrimination, harassment, and/or retaliation. List times, dates, location, names and titles of the people involved in the incident(s).

b. State the specific reason(s) why you believe you were discriminated/harassed/retaliated against because of your protected class status (e.g., race, sex, age, disability, etc.).

c. List those persons you believe were treated the same, more favorably, or less favorably than you, including their name, title, protected class status (e.g., race, sex, age, disability, etc.), and how they were treated differently. Name Title Protected Group Status Different Treatment

7. WITNESSES:

List those witnesses you believe have information about your complaint. Include complete information for each witness listed. Add additional pages if necessary.

NAME OF WITNESS: _____

Address: _____

Phone: _____

What information can this witness provide?

8. SUPPORTING MATERIALS/DOCUMENTS: List any written materials or other documents you believe may help in investigating your complaint. Provide the name, date, and explanation of the contents of the material/documents listed. Add additional pages if necessary.

Name of Item: _____

Date of Item:

Explanation of Contents (Attach a copy if available)

9. PLEASE SIGN AND DATE YOUR COMPLAINT

Signature of Complainant Date

Minnesota State Colleges and Universities

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.

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, 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.

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

Appendix 6: MSU 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 answer 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.

Appendix 7: MSU Moorhead Employee Reasonable Accommodation Request Form

Minnesota State University Moorhead Employee Reasonable Accommodation Request Form

The purpose of this form is to assist MSU Moorhead in evaluating reasonable accommodation requests by employees. **Please return the completed form to Human Resources, 1104 7th Ave. S, Owens 214, Moorhead, MN 56563.**

Name of MSU Employee (Last, First, Middle)

Department/College

Employee Job Title

Phone Number

Immediate Supervisor

Work Schedule

Name(s) of Health Care Providers (attach additional sheets if necessary):

Name

Phone Number

Name

Phone Number

Name

Phone Number

TO BE COMPLETED BY THE EMPLOYEE:

1. Identify and describe the physical, sensory or mental condition which is the basis for your request for reasonable accommodation:
2. What major life activity is substantially limited by your condition:
3. Attach a copy of your position description and identify and describe the essential function(s) of your job, which you are unable to perform due to the limitations from your condition:
4. Identify and describe the reasonable accommodation(s) you believe are needed to enable you to perform the essential functions of your job properly and safely, including special equipment, changes in the physical layout of your work area, or other accommodations:
5. Identify the names, addresses and telephone numbers of physicians, therapists, psychologists or other health care providers who have information or documentation concerning your condition or your need for reasonable accommodation:



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.

Appendix 9: MSU Moorhead Emergency Procedures for Persons with Disabilities

If you have a temporary or permanent disability that might prevent your prompt and safe relocation or evacuation from a building, you need to do some additional planning to ensure your safety. The planning steps identified below will: (1) ensure that you are familiar with accessible exit routes and other safety features of the building, (2) recruit the assistance of coworkers, colleagues or others to assist you during the evacuation/relocation, and (3) ensure that emergency response personnel know that you may need additional assistance to evacuate the building.

Preparing for an Evacuation:

- Review your building's Emergency Plans which are located in classrooms, labs, conference rooms, departmental main offices and residence halls. The plans are conspicuously located; show emergency exit routes, fire extinguishers, fire alarm pull stations, automated external defibrillators, assembly areas, and relocation safe areas; and are updated as necessary.
- Determine in advance the nearest exit from your work location and the route you will follow to reach that exit in an emergency. Know the locations of alternate exits from your area.
- If you work in an office, know exactly how many doors you will pass along your evacuation route before you reach the nearest exit door. In heavy smoke, exit signs may be invisible. Even in heavy smoke, you can count the number of doors you pass, so you will know when you reach the exit door.
- Establish a "buddy system" with a coworker, classmate or other colleague who can assist you during a building evacuation/relocation.
- Train your "buddy" on the best way they can assist you during an evacuation.
- Contact Public Safety (218-477-2449) or Environmental Health & Safety (218-477-2998) for assistance in your planning efforts and notifying emergency responders of specific needs that you may have.

Evacuation/Relocation Procedures:

- When the evacuation alarm sounds or relocation notification is given you should immediately prepare to evacuate from or relocate to a safe area within the building.
- If time and conditions permit, secure your workplace and take with you important personal items such as keys, purse, medication, glasses, etc.
- Follow instructions from emergency personnel.
- If you are unable to exit the building seek refuge with your "buddy" in the building's Area of Safe Rescue for Persons with Disabilities identified on the Emergency Plans. Remain at your Area of Safe Rescue until it is safe to evacuate or emergency personnel respond. Your safe area will offer a minimum of 30 minutes protection against the spread of fire and smoke.
- Advise others who may be assisting you to continue evacuating once you have reached your safe area. They should immediately summon and advise emergency responders of your location.
- The following emergency location safe areas are located on the building's Emergency Plans:

- **Area of Safe Rescue for Persons with Disabilities.** These areas are constructed to provide a higher degree of protection during fires and are checked by the Fire Department upon arrival. Those with mobility impairments should be assisted to the nearest Area of Safe Rescue (usually a stairwell or room near an elevator) in the building. Doors should be closed and Fire Department notified immediately upon the arrival of persons with disabilities in the safe area.
- **Severe Weather Safe Area.** Designated as safe areas during tornadoes and other severe weather, these locations include interior hallways and rooms away from windows. The large brick buildings on this University campus are of reinforced construction and should provide adequate shelter. Avoid upper level rooms, auditoriums and gymnasiums with large, poorly supported roofs.
- **Shelter-in-Place Area.** These locations are safe areas when hazardous materials may have been released into the atmosphere. This would most likely occur during a train derailment or semi-truck accidentally releasing hazardous chemicals into the environment. Should this occur a "shelter-in-place" warning will be provided by an emergency notification system. These areas are interior rooms that are above ground level because some chemicals are heavier than air. Other precautionary measures needing to take place are doors and windows being shut and ventilation systems turned off.