

2003

AFFIRMATIVE ACTION PLAN

FOR

BEMIDJI STATE UNIVERSITY

August 15, 2003

Bemidji State University  
Bemidji, MN 56601-2699

BEMIDJI STATE UNIVERSITY

July 1, 2003

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**AFFIRMATIVE ACTION PLAN**  
**Transmittal Form**  
**Plan Years 2003**  
 For  
**BEMIDJI STATE UNIVERSITY**

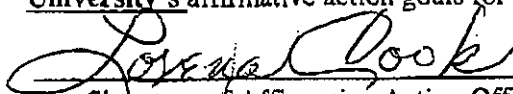
1. This annual review revealed underutilization of the following protected group(s) in the following goal units:

GOAL UNITS	PROTECTED GROUPS		
	WOMEN	MINORITIES	DISABLED
Craft, Labor, & Maintenance	X	X	
Service	X	X	
Clerical		X	
Technical		X	
State University Administrative	X	X	
General Professional		X	
Supervisory	X	X	
Commissioner's Plan		X	
Managerial Plan	X	X	
Faculty - Specified Departments	X	X	

2. This annual plan will be posted at the following central locations so that employees are aware of the University's commitments in affirmative action for the year 2003.

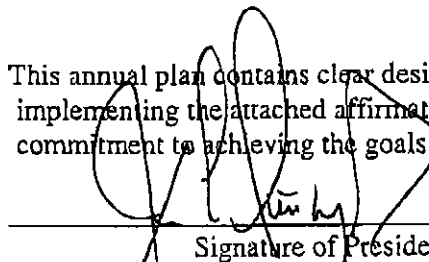
Affirmative Action Office; President's Office; each Vice President's and Dean's Office.

3. This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees. Employees have been apprised of this procedure as well as Bemidji State University's affirmative action goals for this fiscal year.

  
 \_\_\_\_\_  
 Signature of Affirmative Action Officer

August 12, 2003  
 \_\_\_\_\_  
 Date

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

  
 \_\_\_\_\_  
 Signature of President

August 12, 2003  
 \_\_\_\_\_  
 Date

5. This annual plan meets the rules governing affirmative action, MCAR Chapter 3905.0600 Statutory Authority 43A.04, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

Martha Brechlin Affirmative Action Coordinator  
 \_\_\_\_\_  
 Signature of Director of Equal Opportunity Division  
 Department of Employees Relations

Date 10/13/03

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## STATEMENT OF COMMITMENT

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**Bemidji State University** is committed to conducting all personnel and educational activities without regard to race, sex, color, creed, religion, age, national origin, marital status, disability, status with regard to public assistance, sexual orientation, or membership or activity in a local commission as defined by law. Personnel activities include, but are not limited to: recruitment, selection, placement, employee development, promotion, retention, compensation, leaves of absence, disciplinary action, transfer, demotion, termination, and layoffs affecting all employees and job applicants. Bemidji State University 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.

**Bemidji State University** is committed to implementation of this affirmative action plan and fully supports the State of Minnesota's affirmative action efforts. Bemidji State University 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 Bemidji State University's policy to actively pursue equal employment practices during all phases of the employment process. In that spirit, Bemidji State University 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 search committees; and,
- by supporting affirmative measures to retain protected group employees.

I believe that only through aggressive recruitment, selection, and retention of protected group persons can we comply with this commitment to affirmative action and demonstrate to our diverse student body our concern for basic fairness, the ability to overcome prejudice, and the necessity of making special efforts to ensure the greater participation of underutilized group members in all facets of the University's community.



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Jon E. Quistgaard, President

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August 12, 2003

## **RESPONSIBILITY FOR IMPLEMENTATION**

### **President**

As the primary administrator of Bemidji State University, the President is responsible for overseeing Bemidji State University's equal opportunity and affirmative action policies, procedures and programs as well as assuring compliance with all related state and federal laws, rules and regulations. Final disposition of all such issues resides with the President.

#### **1. Responsibilities**

- A. Development and implementation of all equal opportunity and affirmative action programs.
- B. Fulfilling the precepts of equal employment opportunity and affirmative action.
- C. Act as final review officer or designate an alternate for formal discrimination and harassment complaints.
- D. Commitment of adequate staff and resources to carry out the affirmative action plan
- E. Incorporate into all administrators' and managers' work plans a clear definition of equal opportunity and affirmative action in employment and education.

#### **2. Accountability**

The President, Dr. Jon E. Quistgaard, 218/755-2011, is directly accountable to the Chancellor on all matters relating to equal opportunity and affirmative action at Bemidji State University.

### **Equal Opportunity Officer**

The Senior Vice President for Academic and Student Affairs has been designated by the President as the Equal Opportunity Officer for Bemidji State University.

#### **1. Responsibilities**

- A. Direct a comprehensive program of equal opportunity/affirmative action for Bemidji State University in accord with federal and state laws and regulations.
- B. Oversee an Affirmative Action Committee for Bemidji State University to develop recommendations concerning affirmative action programs, policies and procedures.
- C. Act as final review officer for formal discrimination and harassment complaints.

#### **2. Accountability**

The Equal Opportunity Officer, Dr. Joann Fredrickson, 218/755-2015, is directly accountable to the President.

### **Affirmative Action Officer**

The Affirmative Action Officer is responsible for the overall implementation and administration of Bemidji State University's equal opportunity and affirmative action programs.

### **1. Responsibilities**

- A. Development, implementation, monitoring, and facilitation of Bemidji State University's biennial affirmative action plan.
- B. Monitor all hiring to assure compliance with stated affirmative action plan and MnSCU board policy through review of vacancy notices, advertising plans, inclusion of qualified protected group candidates in interview process, and review of selected candidates.
- C. Conduct/participate in affirmative action, sexual harassment, and reasonable accommodation training for supervisors, employees, and students.
- D. Monitor university publications for inclusion of equal opportunity statement.
- E. Monitor university adherence to MnSCU Board's reasonable accommodation policy.

### **2. Duties**

- A. Serve as Chairperson for the Affirmative Action Committee.
- B. Coordinate the delivery of the Sexual Harassment education program.
- C. Assist management in establishing hiring goals and monitor representative workforce.
- D. Serve as information resource and advisor to search committees and supervisors regarding affirmative action information.
- E. Serve as the university contact of receipt of discrimination complaints, and when determined, investigate discrimination complaints from students and employees.

### **3. Accountability**

The Assistant to the President/Affirmative Action Officer, Ms. Lorena C. Cook, 218/755-2900, is directly accountable to the President for the overall implementation and administration of Bemidji State University's equal opportunity and affirmative action programs.

## **Administrators/Supervisors**

Administrators/Supervisors are responsible for enforcing and implementing equal opportunity and affirmative action policies, procedures, and programs within their functional areas of responsibility.

### **1. Responsibilities**

- A. Commitment to the university's equal opportunity/affirmative action policy.
- B. Adherence to the pre-hire review process.
- C. Commitment to the establishment and maintenance of a workplace free of discrimination and sexual harassment.

### **2. Duties**

- A. Disseminate information to employees and committee members regarding affirmative action goals.
- B. Actively recruit protected group candidates through selected advertising and vacancy notice placement.
- C. Support the hiring of protected group candidates within the context of the affirmative action plan.

### **3. Accountability**

Accountability for Administrators/Supervisors is reflected in the Bemidji State University's organization chart provided in **Appendix A**.

## **Director of Human Resources**

In addition to the responsibilities and duties described above for the Administrators/Supervisors, the Director of Human Resources is also responsible as described below for classified and unclassified positions.

### **1. Responsibilities**

- A. Inform all supervisors of vacant classified positions of pre-hire review process and university's commitment to affirmative action goals.
- B. Insure that all job announcements, advertising and vacancy notices carry equal opportunity employer statement.
- C. Conduct/participate in affirmative action and sexual harassment training for supervisors and employees.
- D. Disseminate information to all supervisors and employees regarding affirmative action, sexual harassment and complaint procedures.

### **2. Duties**

- A. Human Resources Director serves as chairperson of the Affirmative Action Committee in the absence of the Affirmative Action Officer.
- B. Assist supervisors and managers in the recruitment and hiring of protected group individuals.
- C. Human Resources Director serves as a university contact for receipt of discrimination complaints.
- D. Conduct disciplinary investigations and take appropriate action upon receipt of harassment complaints against employees.

### **3. Accountability**

The Director of Human Resources, Mr. John J. Arneson, 218/755-3966, is accountable to Mr. Gerald S. Amble, Acting Vice President for Administrative Affairs.

## **Affirmative Action Committee**

The President shall appoint representatives to Bemidji State University's Affirmative Action Committee based upon recommendations from various constituencies. The Committee, in conjunction with the Assistant to the President/Affirmative Action Officer, shall perform the following responsibilities and duties:

### **1. Responsibilities**

- A. Make suggestions/recommendations for internal policies and procedures to maintain compliance with system regulations and federal and state guidelines concerning affirmative action and sexual harassment. The suggestions/recommendations shall be made to the University Equal Opportunity Officer.



- B. Recommend recruitment/hiring procedures designed to recruit and employ qualified persons who are members of underrepresented groups.
- C. Recommend programs to develop and broaden the aspirations, qualifications, and educational opportunities of members of underrepresented groups.

**2. Duties**

- A. Review all statewide and University hiring goals proposed by Deans/Supervisors.
- B. Review University Affirmative Action/Hiring procedures.
- C. Review University progress and drafting of recommendations in meeting goals in the hiring and retention of employees
- D. Assist in maintaining an environment free from unlawful discrimination and harassment of students and employees.
- E. Assist in maintaining a learning environment that supports the needs of members of all underrepresented groups.

**3. Accountability**

Committee members are accountable to the President for their Committee work.

## **DISSEMINATION OF POLICY**

The following measures will be used to inform Bemidji State University's educational community and the public of our commitment to Affirmative Action and Equal Opportunity in all employment and educational policies, procedures, programs, services, and opportunities:

### **INTERNAL DISSEMINATION**

1. Copies of the Affirmative Action Plan will be made available at the Affirmative Action Office, the Personnel Office and the offices of the President, each Vice President, and Dean. In addition, a copy of the plan will be distributed to the leadership of each bargaining unit. A copy of the plan will also be available at the campus Library;
2. Providing training to managers and supervisors on affirmative action and equal opportunity issues;
3. All recruitment brochures, job announcements and vacancy notices shall identify Bemidji State University as an Equal Opportunity Employer and Educator;
4. Make available copies of the Affirmative Action Plan to all employees and students upon request; and
5. A copy of the MnSCU Board's Nondiscrimination in Employment and Education Opportunity Policy shall be made available to all employees through their Employee Handbook and/or their Faculty handbook;

### **EXTERNAL DISSEMINATION**

6. All job announcements, vacancy notices, website home page, letterhead and other education or employment related materials shall identify Bemidji State University as An Equal Opportunity Employer and Educator;
7. Aggressively publicize via a variety of protected group and non-protected group media sources Bemidji State University's commitment to the recruitment, employment, promotion and retention of individuals with disabilities, women and minorities;
8. Make available copies of the Affirmative Action Plan to all interested parties;
9. Information on Bemidji State University's Affirmative Action Program and Plan shall be made available to all external constituents.



**BEMIDJI**  
STATE UNIVERSITY

Bemidji, Minnesota 56601

## **MINNESOTA STATE COLLEGES AND UNIVERSITIES**

### **System Procedure - Chapter 1 - System Organization and Administration Section B - Equal Education and Employment Opportunity**

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

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##### **Part 1. Procedure objective.**

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

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

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

Not every act that may be offensive to an individual or group constitutes discrimination or harassment. In determining whether discrimination or harassment has occurred, the totality of the circumstances surrounding the incident must be

carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom and advocacy.

The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching, and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation, or coercion. Discrimination and harassment are not within the protections of academic freedom.

## **Part 2. Definitions.**

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

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

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

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

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

**Subpart A. Reporting an incident.** The system office, colleges, and universities encourage any individual, including any student, employee, applicant for employment, or person eligible for employment (as defined by

Minnesota Statutes section 43A.02), who feels she or he has been or is being subjected to discrimination/harassment to report the incident to the designated officer. Any student, faculty member or employee who knows of, receives information about or receives a complaint of discrimination/harassment is urged to report the information or complaint to the designated officer of the system office, college, or university.

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

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

**Subpart D. Institutional responsibility.**

1. **Colleges and universities.** This procedure applies to all members of the educational community including students. Reports/complaints against a president of a college or university shall be filed with the system office. Complaints against a president shall be processed by the college or university if the president's role in the alleged incident was limited to a decision on a recommendation made by another administrator, such as tenure, promotion or non-renewal, and the president had no other substantial involvement in the matter. Reports and complaints against college or university vice presidents, deans, or provosts are filed at the campus level with the president or the president's designee as decision-maker.
2. **System office.** For reports/complaints which involve allegations against system office employees, the responsibilities identified in this procedure as those of the president are the responsibilities of the chancellor. Reports/complaints which involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice

chair of the Board for processing. Such reports/complaints may be assigned to appropriate system office personnel or outside investigatory assistance may be designated.

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

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

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

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

#### **Part 4. Right to representation.**

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

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

## Part 5. Investigation and resolution.

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

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

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

1. **Jurisdiction.** The designated officer shall determine whether the report/complaint is one which should be processed through another system office, college or university procedure available to the complainant; if appropriate, the designated officer shall direct the complainant to that procedure as soon as possible.
2. **Conflicts.** If the designated officer determines that the report/complaint falls within the scope of the institution's nondiscrimination policies and this procedure, the designated officer shall first determine who will conduct the complaint process. The designated officer should identify to the president or chancellor any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the president determines that a conflict exists, another designated officer shall be assigned.
3. **Information provided to complainant.** At the time the report/complaint is made, the designated officer shall:
  - a) inform the complainant of the provisions of the nondiscrimination policy;
  - b) provide a copy of the policy and the report/complaint procedure to the complainant;
  - c) advise the complainant of other options such as alternative dispute resolution or mediation and that the complainant may also choose to pursue other legal options; and
  - d) determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement.
4. **Complaint Form.** The designated officer shall insure that the complaint is documented in writing on the complaint form available from system office, college, or university authorities. The complaint form must include:
  - a) a detailed description of the facts upon which the charge is based;
  - b) name(s) of the respondent(s), if known;
  - c) a list of possible witnesses as deemed appropriate by the designated officer; and

- d) other information pertinent to the complaint.

At the conclusion of the process, the final disposition of the complaint shall be included on the complaint form.

5. **Information provided to the respondent.** At the time initial contact is made with the respondent, the designated officer shall:
  - a) inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy;
  - b) provide a copy of the policy and the report/complaint procedure to the respondent;
  - c) advise the respondent of other options such as alternative dispute resolution or mediation;
  - d) explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations; and
  - e) determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement.
6. **Processing the complaint.** The designated officer shall:
  - a. conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
  - b) investigate the complaint without identifying the complainant, if in the judgment of the designated officer, this would increase the likelihood of satisfactory resolution of the complaint;
  - c) inform the complainant, respondent, witnesses and other involved individuals of the prohibition against retaliation and reprisal;
  - d) create, gather and maintain investigative documentation as appropriate;
  - e) disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice (Tennessee warning) in accordance with state law; and
  - f) inform the complainant and respondent of the status of the investigation at reasonable times until final disposition of the complaint.

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

1. suggest counseling or sensitivity training;
2. conduct training for the unit, division, or department, calling attention to the consequences of engaging in such behavior;
3. facilitate meetings between the parties;
4. separate the parties, after consultation with appropriate system office, college or university personnel;



5. prepare a written letter of agreement confirming that the respondent has been informed of the policy and complaint procedure, identifying and documenting the respondent's acceptance of the designated officer's resolution of the complaint, and stating that retaliation is prohibited;
6. other possible outcomes may include explicit agreements about future conduct, a letter of apology to the complainant, changes in workplace assignments, enrollment in a different course or program, or other appropriate action.

**Subpart D. Investigation and decision process.** If the above methods do not resolve the complaint within a reasonable period of time to the satisfaction of the designated officer, or the designated officer feels additional steps should be taken, the procedures in this subpart shall be followed.

1. Designated officer. The designated officer shall:
  - a) conduct further investigation as deemed appropriate by the designated officer;
  - b) prepare an investigation report for review by the decision-maker;
  - c) take additional investigative measures as requested by the decision-maker;
  - d) provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint; and
  - e) provide the investigation report to the complainant or respondent upon request unless the information is protected under state or federal law.
2. Decision-maker. After receiving the investigation report prepared by the designated officer, the decision-maker shall:
  - a) determine whether additional steps should be taken, at the discretion of the decision-maker, prior to making the decision. Additional steps may include:
    1. a request that the designated officer take additional investigative measures;
    2. a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law. Other employees may be accompanied by an attorney or other support person at the discretion of the decision-maker;
    3. a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint;
  - b) take other measures deemed necessary to reach a decision;
  - c) when making the decision, take into account the surrounding circumstances, the nature of the behaviors, the relationship(s) between

- the parties, the context in which the alleged incident(s) occurred, and other relevant factors;
- d) determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resource or supervisory personnel to determine appropriate discipline;
  - e) report in writing to the complainant, respondent and the designated officer her or his findings as to whether or not the nondiscrimination policy has been violated. The written answer to the complainant shall be provided within 60 days after a complaint is made unless reasonable cause for delay exists.

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

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

**Subpart G. Other remedies.**

1. **Reassignment or administrative leave.** Under appropriate circumstances, the president or chancellor may reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
2. **Summary suspension or other action.** Under appropriate circumstances, the president or designee may impose on a student a summary suspension or other temporary measures at any point in time during the report/complaint process. A summary suspension may be imposed when, in the judgment of the president or designee, the accused student's presence on the college or university campus would constitute a threat to the safety and well-being of members of the campus community. Before implementing the summary suspension, the accused student shall be given notice of the intention to impose the summary suspension and, except in an emergency, shall be given an opportunity to present oral or written arguments against the imposition of the suspension.

After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the administrator. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

3. **Alternative dispute resolution and mediation.** The system office, colleges, and universities, in consultation with the system Office of Equal Opportunity and Diversity, may use alternative dispute resolution or mediation services as a method of resolving discrimination/harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint.

#### **Part 6. System office, college, or university action.**

The system office, college, or university shall take the appropriate corrective action based on results of the investigation and shall follow up as appropriate to ensure that the corrective action is effective. Complainants are encouraged to report any recurrences of conduct which were found to violate the system non-discrimination policies.

The decision-maker shall notify the complainant and respondent in writing of the final disposition of the complaint. Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the system office, college or university.

#### **Part 7. Appeal.**

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

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

be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

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

#### **Part 8. Education and training.**

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

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

Information regarding this procedure and the system office, college or university non-discrimination policies must be provided to each student during student registration and each employee on acceptance of employment. Copies of the policies shall be conspicuously posted at appropriate locations at the system office and on college and university campuses at all times and shall include the designated officers' names, locations and telephone numbers.

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

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

During and upon the completion of the complaint process, the complaint file shall be repositied in a secure location in the office of the designated officer for the system office, college or university. Access to the data shall be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act or other applicable law.

Designated officers are required to report investigative data concerning investigations under Board policy 1B.1 to the Office of the Chancellor on a quarterly basis.

*Effective date: February 17, 1997*

*Date & Subject of Revisions: December 18, 2000 - amended the entire policy*

*Revisions:*

*April 2, 2003 - 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*

## Utilization Analysis and the University

The University's workforce has been reviewed to determine the utilization or underutilization of women, persons with disabilities, and minorities based upon data as of July 1, 2003. It is from this data that specific goals and action plans have been established. For this purpose, unclassified employees have been divided into the following job groups:

Top Management: president and vice presidents.

Deans: deans in all divisions.

Administrators: directors, co-directors, coordinators, registrar, and appointees with coordination responsibilities beyond the University.

Professionals: all Minnesota State University Association of Administrative and Service Faculty (MSUAASF), excluding those designated for inclusion in the rank of "Administrators."

Faculty: all faculty included in the Inter-Faculty Organization (IFO) bargaining unit.

Vacancies - The University considers each new hiring opportunity as a way to achieve its overall objective of addressing the underutilization of women, persons with disabilities, and minorities within its workforce. At the same time, it senses that its goals in affirmative action must be accompanied by vigorous employee development programs in order to ensure greater involvement of women, persons with disabilities, and minorities in senior positions of responsibility within the institution.

For any new or unanticipated vacancies occurring in 2003, Bemidji State University will set its affirmative action goals in keeping with the data, structure, and objectives reported in this Plan. As a complement to this plan is the University's special interest in encouraging the professional development plans of its employees and the promotion, through educational efforts, of an environment supportive of its affirmative action objectives.

# Bemidji State University

Office of Affirmative Action  
2003-2004 Hiring Goals for Unclassified Personnel

Date: July 1, 2003 Agency: STU Bemidji

Job Group	Current Work Force				Availability %				Underutilization				New Hires for Plan Year				Hiring Goals			
	Total	Female	Minority	Disabled	Female	Minority	Disabled	Disabled	Female	Minority	Disabled	Change +/-	Turnover	Total Hires	Female	Minority	Disabled			
Top Mgmt	4	1	0		42.6	13.4			1	1			1	1	1	1				
Deans	4	2	0		34.6	9.2			0	0			0	0	0	0				
Administrators	28	13	2		51.0	14.7			1	2			0	0	0	0				
Professionals	31	19	2		43.0	8.4			0	1			0	0	0	0				
Faculty:																				
CAL	47	25	3		47.5	10.0			0	2			2	2	0	2				
COPS	73	28	5		41.5	11.4			2	3			2	2	1	1				
CSNS	68	21	2		35.3	10.2			3	5			1	1	1	1				
Other Academic Areas	13	6	1		44.0	17.0			0	1			3	3	0	1				
Subtotal	201	80	11		---	---			5	9			8	8	2	5				
Grand Total	268	115	15		N/A	N/A			7	13			9	9	3	6				

\* Bemidji State University continues to be committed to employing individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodations.

# Bemidji State University

## Office of Affirmative Action 2003-2004 Hiring Goals for Classified Personnel

Anticipated hiring of disparate protected group members when a good faith effort is made to remove the barriers that prevent full participation of minorities, females and persons with disabilities in state service. Consideration of turnover, growth and retraction needs to be made for each agency's goal/bargaining unit and for each of the three protected classes. Hiring goals for disparate groups should be considered whenever underutilization exists and there are one or more anticipated hires in the job group. The "Change+/-" column should reflect the difference between the current total workforce and the anticipated total workforce by the end of the plan year.

Date: July 1, 2003

Agency: STU Bemidji

Job Group	Current Work Force			Availability %			Underutilization			New Hires for Plan Year				Hiring Goals		
	Total	Female	Minority	Female	Minority	Disabled *	Female	Minority	Disabled *	Change +/-	Turnover	Total Hires	Female	Minority	Disabled *	
Craft	22	0	1	14.6	12.6	X	3	2	X		1	1	1 or	1	X	
Service	38	11	1	38.7	14.5	X	4	5	X		3	3	1	2	X	
Office Clerical	64	62	2		13.1	X		6	X		1	1		1	X	
Technical	9	8	0	54.9	15.8	X	0	1	X		0	0	0	0	X	
Professional	23	14	1	51.9	12.7	X	0	2	X		1	1	0	1	X	
Supervisors	14	3	1	34.5	12.0	X	2	1	X		0	0	0	0	X	
Comm. Plan	6	6	0	73.0	12.8	X	0	1	X		0	0	0	0	X	
Total	176	104	6							6	6	2	5			

\* Bemidji State University continues to be committed to employing individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodations.



Bemidji State University

**AFFIRMATIVE ACTION PLAN AMENDMENT FOR 2000-2002 GOALS FOR DISABLED PERSONS**

Job Group	Total # Employees	Utilization			Availability		Number Under-utilized	Hiring Goal
		Number of disabled Employees	Percent of work force	Number	Percentage			
Officials and Administrators	13	0	0.0%	2	13.74	2	1	
Office/Clerical	78	2	2.6%	7	8.66	5	2	
Paraprofessional	7	0	0.0%	1	7.68	1	1	
Professionals	47	2	4.3	4	8.61	2	1	
Protective Service	1	0	0.0%	0	8.79	0	0	
Service Maintenance	52	2	3.8%	4	8.19	2	1	
Skilled Craft	23	2	8.7%	2	8.9	0	0	
Technician	5	0	0.0%	0	8.3	0	0	

**Instructions:**  
 Column #1 Total number of employees in an EEO-4 Job Group  
 Column #2 Total # of disabled employees in an EEO-4 Job Group  
 Column #3 Column #2 divided by Column #1  
 Column #4 Column #5 multiplied by Column #1  
 Column #5 Data from U. S. Census, State of Minnesota Workforce  
 Column #6 Column #4 minus Column #2  
 Column #7 Hiring Goal

## PROGRAM OBJECTIVES

2003-2004

<u>STEP</u>	<u>RESPONSIBLE PARTY</u>	<u>IMPLEMENTATION DATE</u>	<u>ACTION STEP</u>
1) Conduct candidate selection review	AAO Human Resources Director	Ongoing with review of progress quarterly	
2) Examine pre-hire review process to determine effectiveness.	Affirmative Action Committee AAO	Ongoing	Review hire results.
3) Continue to revise unclassified vacancy advertising plan to solicit candidates from protected groups	AA Committee AAO Human Resources Director	Ongoing	
4) Continue to revise unclassified staff hiring guidelines	AA Committee AAO Human Resources Director	Ongoing	
5) Review and update vacancy procedures and AA Hiring Guidelines for Classified Staff	AAO Human Resources Director AA Committee	9/01	Review effectiveness of current guidelines. Recommend changes, solicit input from bargaining units, implement revisions.
6) Recruit minority job candidates through Indian Employment Jobs Coordinator	Human Resources Director	Ongoing with activity increasing as vacancies occur.	Provide notice of vacancies to appropriate agencies

- |  |  |   |   |
|--|--|---|---|
| 7) Establish and maintain working relationship with editors of local minority newspapers (Native American Press & Leech Lake Ourselves) for vacancy advertising. | Human Resources<br>Director<br>AAO                           | Ongoing with activity increasing as vacancies occur.        | Continue to advertise vacancies in tribal paper and local minority newspaper.                                 |
| 8) Continue placement of vacancies in national & Twin Cities regional publications with a significant distribution rate among protected group persons.           | Human Resources<br>Director<br>AAO                           | Ongoing with activity increasing as vacancies occur.        | Send vacancy announcements as they occur. Maintain current listings of publication information sources.       |
| 9) Refer all employee, student, and supervisory accessibility concerns to Physical Plant Director  | Personnel Office<br>AAO<br>Educational<br>Development Center | Ongoing process   |   |
| 10) Promote employment of females & ethnic/racial minorities in professional occupations through employment availability advising.                               | AAO  | Ongoing<br><br>Quarterly                                    | AAO provides employment availability data to human relations classes.<br>-Repeat for human relations classes. |
| 11) Promote Cultural Diversity/Civility among the campus community   | Management<br>Personnel Office<br>AAO                        | Quarterly<br><br>Ongoing with review of progress quarterly. | Responsible Men/<br>Responsible Women program.<br>Employee Handbook.  |

12) Promote Disability Awareness and workplace accessibility among all faculty, staff, students, and supervisors.

AAO  
Educational  
Development  
Center

Fall Semester

Distribute "A Handbook of Services for Students With a Disability" to BSU campus and other advocates.  
-Meeting of Students With Disabilities Advisory Board-Key University personnel.  
American Sign language classes -

Weekly during academic year

-Students With Disabilities Awareness Club meetings  
-Students With Disabilities Awareness Week April of each Year, news articles, workshops, class presentations

Spring Semester

13) Sexual Harassment/Gender Training

Affirmative  
Action & Personnel  
Responsible Men/  
Responsible Women  
Program

Fall  
Orientation

-Workshops, brochures, videos, formal presentations  
-The Invisible Line training

Quarterly as needed for new hires

## **METHODS OF AUDITING**

### **PRE-EMPLOYMENT REVIEW**

State law governing affirmative action programs requires Bemidji State University to establish methods of auditing, evaluating and reporting program success. This includes a procedure for pre-employment review of all hiring decisions for units where underutilization currently exists. When such a vacancy occurs, the procedures below will be followed **before** an offer of employment is made:

#### **HIRING PROCEDURES FOR UNCLASSIFIED STAFF AT BEMIDJI STATE UNIVERSITY**

Revised 9/14/89

1. Before preparing a vacancy packet, the Dean or administrative head shall receive written approval from the appropriate Vice President to begin the search.
2. A vacancy packet consisting of the following shall be submitted to the Affirmative Action Officer (AAO) for approval:
  - a. Requisition for Authorization of Position and Permission to Search Form
  - b. Vacancy Notice:

This shall include a statement of the position's responsibilities, qualifications required, and the anticipated duration of employment. All qualifications shall be job related and include formal education, previous employment experience where applicable, cultural and volunteer experience, and demonstrated competencies. Each vacancy notice shall include standard AA/EEO information and other BSU or MnSCU required information provided by the Personnel Office.
  - c. Search Committee Interview Questions:

All questions shall be based on the qualifications and duties stated in the vacancy notice and all candidates shall be asked the same questions by the search committee. This does not preclude asking job-related follow-up questions based on interviewees' responses. If the questions are prepared by the supervisor, it is recommended they be shared with the committee for review and comment prior to finalization. The committee shall discuss the characteristics of answers to each question, which will be regarded as acceptable.
  - d. Advertising Plan:

Ads shall be placed as described in the "Bemidji State University Policy on Filling Unclassified Positions".

e. Membership of Search Committee:

The members of the search committee shall be chosen in a manner, which includes the participation of women, minorities, and other underrepresented groups and shall be submitted to the Affirmative Action Officer for approval. In the event that representatives from the underrepresented groups are not normally available, the administrative head shall prepare a plan to include such representation for the approval of the dean or appropriate vice president and the Affirmative Action Officer.

- 1) Excluded Management Positions - University President may invite bargaining units to appoint a specific number of members to the committee. President then makes additional appointments from other constituent groups subject to approval by the Affirmative Action Officer.
- 2) MSUAASF Positions - If the position greatly affects the working operations of the faculty, the Vice President, in whose area the vacancy has occurred, may invite the IFO to appoint a specified number of members to the committee. The Vice President will also invite MSUAASF to appoint members and may invite representatives from other units and/or from other constituent groups subject to approval by the Affirmative Action Officer.
- 3) IFO Positions - If the vacancy occurs in a department/unit, the department/unit will select committee members, to be supplemented by not less than one representative appointed by the respective dean. The respective Dean/Vice President shall determine representation on new, interdepartmental or non-teaching department search committees, requesting specific bargaining unit representation as appropriate. All search committees are subject to approval by the Affirmative Action Officer.

f. Pre-Interview Screening Form:

A screening form, which contains job-related criteria based on the qualifications stated in the vacancy notice, is to be used to evaluate the credentials of all applicants.

g. Evaluation Form for Interview:

An evaluation form with job-related criteria based on the qualifications and duties advertised in the vacancy notice shall be prepared. This form shall include anchor interview responses.

All vacancy packets must be approved by the Dean or administrative head of the area and the appropriate Vice President before forwarding to the AAO/EEO. Incomplete vacancy packets will be returned to the Dean or administrative head of the area in which the vacancy occurred. Any changes made in the vacancy packet which do not involve the returning of the packet to the Dean or administrative head will be communicated to the Dean or administrative head by the Personnel Office. Any changes made by the Dean or administrative head (or the search committee) subsequent to approval of the vacancy packet by the AAO/EEO shall be communicated to the AAO/EEO. Unapproved vacancy packets shall be returned to the appropriate Vice President by the AAO/EEO.

3. The EEO will forward the approved vacancy packet to the Personnel Office for advertising and approval of the vacancy by the Board Office.
4. Each vacancy shall be evaluated by the AAO to determine if the staffing pattern of the department or program area with the vacancy is consistent with the availability of members of underrepresented groups in that discipline. If there are disparities, a goal to hire a member of an underrepresented group shall be set. The Dean or administrative head of the area with the vacancy shall be notified by the AAO of the goal set and shall in turn notify the search committee. Appropriate recruitment for the underrepresented group shall take place and attempts to meet that goal shall be made in the selection of the candidate.
5. Applications should be received and processed by the Office of the College Dean or administrative head of the area in which the vacancy occurred. Duties of this office shall include:
  - a. All applications shall be collected and held by this office until after the advertised posted deadline. Names of candidates shall not be released to the interview committee until the interview questions are finalized.
  - b. All applicants shall be sent a letter indicating receipt of the application, a vacancy notice, and a BSU affirmative action form. (The vacancy notice and BSU forms are available from the Personnel Office).
  - c. All applicants not selected for a position shall be sent a letter of non-acceptance by the Dean or Director immediately after the selection and hiring of the successful candidate.
  - d. The Dean or administrative head shall supervise the recruiting efforts and ensure that special recruitment efforts are directed toward underrepresented groups.
  - e. No files may be released for review by the screening committee until after the posted deadline.

### Procedures of the Formation and Operation of the Search Committee

The following guidelines shall be followed by the Dean or Administrative head of the area in which the vacancy occurred:

1. The search committee shall be chosen in a manner which includes the participation of women, minorities, and other underrepresented groups. At a minimum, each committee shall include at least one (1) member of a protected group (women, minorities, and persons with disabilities), or a representative from outside the department or administrative area where the vacancy has occurred.
2. The AAO and the Dean or administrative head shall meet with the search committee and inform it of the commitment of MnSCU and the University to affirmative action, the need to adhere to established procedures, and of selection and interview techniques which provide for fair consideration of all applicants. The AAO and the Dean or administrative head may perform an in service workshop on hiring procedures for all faculty or staff in his/her area at the beginning of the academic year in lieu of meeting separately with each committee.
3. The criteria used in evaluating a candidate's qualifications shall be job-related, as reflected in the vacancy notice. The search committee shall prepare a screening form, which contains job-related criteria to be used to evaluate the candidates' credentials.
4. A set of job-related interview questions should be asked of all candidates interviewed. Job-related interview questions based on interviewees' responses and job-related questions asked in informal interview sessions do not need prior approval from the AAO/EEO. These questions must be finalized prior to the release of applicants' names.
5. All interviews of faculty should include a lecture or seminar presentation of the candidate's choice.
6. Unofficial transcripts are acceptable for the screening process. However, an official transcript(s) from all schools attended confirming all information on the unofficial transcript(s) shall be necessary before a contract is issued.
7. Names, telephone numbers, and addresses of references shall be included as part of the application packet. If telephone follow-up on references is conducted, a standard form shall be used and notes and other pertinent information shall be taken and permanently placed in the candidate(s)' files during the screening process as part of the materials used for evaluation.
8. Members of the search committee shall complete the screening forms before recommending that candidates be invited for an interview.
9. When candidates have been selected by the screening committee for interviews, the committee shall forward the files, screening forms, and recommendation to the appropriate Dean or administrative head for approval.



10. The Dean or administrative head, after review, will forward the files, screening forms, search committee recommendation, and his/her recommendation to the AAO/EEO.
11. The AAO/EEO shall approve or make recommendations for modifications in the committee's recommendation for persons to be interviewed without directly or indirectly revealing the protected group status of candidates.
12. The evaluation form with job-related criteria based on qualifications and duties advertised in the vacancy notice shall be used to evaluate the interview.
13. At the conclusion of the interviews, the chair of the search committee shall send a search summary form, appropriate supporting documentation and the recommendation of the committee for employment to the appropriate Dean or administrative head. The Interview Evaluation Forms must be completed for all persons interviewed before recommending employment of any candidate. A search summary form consists of a rationale for selecting the candidate recommended for hire and a rationale for non-selection of the unsuccessful candidates who were interviewed.
14. If the interviewed candidates are determined to be qualified and the search committee has determined that the process has produced a satisfactory pool of candidates, the selection process will continue. If the qualifications of the finalists for the position are relatively equal, consideration will be given to Affirmative Action goals in reviewing the search committee's recommendation.
15. The Dean or administrative head shall forward the committee's recommendation, the Faculty Appointment Request Form, the search summary form, his/her recommendation, and appropriate supporting documentation including evaluation forms to the AAO for review to ensure the process was nondiscriminatory. Any appeal of the AAO decision shall be made to the EEO.
16. The EEO shall notify the appropriate Vice President of completion of review. No commitment of employment, salary, working conditions or any other contractual matter will be made by anyone other than the Dean or Vice President. The official offer of employment may be made orally by the Dean only after receiving permission to do so from the Vice President. The written offer shall come from the Vice President.

## HIRING PROCEDURES FOR CLASSIFIED STAFF OF BEMIDJI STATE UNIVERSITY

Adopted 2/1/87 Revised 7/88

1. The supervisor of the new or vacant position will submit the Request to Fill form and a complete vacancy packet for permanent position vacancies. For emergency, temporary, or intermittent positions, the supervisor will initiate the Intermittent Help Request form.
2. A vacancy packet consisting of the following shall be submitted to the Affirmative Action Officer (AAO)/Equal Opportunity Officer (EOO) for approval following Vice Presidential and Presidential/Cabinet approval:
  - a. **Position Description** - To be completed in the standard format and reviewed and updated by the supervisor.
  - b. **Job Posting** - The job posting shall be in the standard format and specify days and hours of work, the specific work area, travel requirements (if any), and a general description of the duties of the position.
  - c. **Selection Criteria** - All criteria shall be related to the current position description and the current vacancy posting notice. All special criteria shall be job related and may include formal training, previous employment experience, travel requirements, etc.
  - d. **Interview Questions** - All questions shall be job related based on the qualifications and duties stated in the position description and the selection criteria, and all candidates shall be asked the same questions by the selection committee. This does not preclude asking job related follow-up questions based on interviewees' responses, nor does it preclude job related discussion sessions. All interviews shall include a demonstration of specific skills needed for the vacant position, that have not already been tested.
  - e. **Interview Evaluation Form** - An evaluation form reflecting the interview questions, the desired responses, and the manner of scoring the interviews shall be prepared.
  - f. **Membership of Selection Committee** - The members of the selection committee shall be chosen in a manner which includes the participation of women, ethnic minorities, and other underrepresented groups. Each committee shall include at least one member of a protected group (women, ethnic minorities, or persons with disabilities). The committee shall be composed of a minimum of two persons from the department/area with the vacancy and an equal number of representatives from outside the department/area.
  - g. **Screening Form for Applications/Credentials** - A screening form which reflects the selection criteria and the qualifications as stated in the position description and vacancy notice shall be used to evaluate the applications/credentials of all applicants in order to identify those finalists selected to interview.

Incomplete vacancy packets shall be returned to the supervisor of the area in which the vacancy occurred. Any changes made in the vacancy packet which do not involve the returning of the packet to the supervisor will be communicated to the supervisor by the Personnel Office. Any changes made by the supervisor (or the selection committee) subsequent to approval of the vacancy packet by the AAO shall be communicated to the AAO and the Personnel Office. Unapproved vacancy packets shall be returned to the supervisor.

3. The AAO shall notify the supervisor of vacancy packet approval and forward the approved vacancy packet to the Personnel Office for posting action.
4. If the vacancy is not filled by bid, it shall be evaluated to determine if the staffing pattern for the department or program area with the vacancy is consistent with the availability of members of underrepresented groups in that area. If there is a disparity, a goal shall be set. The supervisor of the area in which the vacancy occurred shall be notified by the AAO of the goal and shall notify the selection committee. The Affirmative Action Officer will ensure the screening selection has been nondiscriminatory.
5. Certified letters shall be sent to each eligible candidate who has been certified by the Department of Employee Relations or the local Job Service Office and recommended for interviews by the selection committee. The letters shall include a copy of the information described in Items 2a and b above. An affirmative action questionnaire which includes information concerning sex, ethnic origin, etc., is to be enclosed with instructions to forward it directly to the Affirmative Action Officer, if they wish. A period of seven (7) days from date of mailing the letter will be allowed the candidates to respond. Telephone contacts will be received by the Personnel Office to arrange interview appointments for those candidates interested in the position.

### Procedures of the Formation and Operation of the Selection Committee

The following guidelines shall be followed by the supervisor of the area in which the vacancy exists:

1. The selection committee shall be chosen in a manner consistent with 2.f. above by the supervisor in conjunction with the AAO.
2. The supervisor and AAO shall meet with the selection committee and inform it of the commitment of the University to affirmative action, the need to adhere to established procedures, and of selection and interview techniques which provide for fair consideration of all applicants. The Affirmative Action Officer may perform an inservice workshop on hiring procedures for all supervisors at the beginning of the academic year in lieu of meeting separately with each committee.
3. The criteria used in evaluating a candidate's qualifications shall be job related, as reflected in the position description. All selection criteria are to be designated and included in the vacancy packet. The selection committee shall utilize the previously approved screening form which contains job related criteria to be used to evaluate candidates' credentials/applications.
4. A set of job related interview questions shall be asked of all candidates interviewed. Job related interview questions based on interviewees' responses do not need prior approval from the AAO.
5. Members of the selection committee shall complete the screening forms before recommending that candidates be invited for an interview.
6. When candidates from outside the University have been selected by the committee for interviews, the committee shall forward the applications, completed screening forms, a copy of the entire list of certified candidates and a recommendation to the appropriate Vice President.
7. The Vice President, after review, shall forward the applications, screening forms, eligible list, selection committee recommendation, and his/her recommendation to the AAO.
8. The AAO shall approve or make recommendations for modifications in the committee's recommendation for persons to be interviewed.
9. The interview evaluation form with job related criteria based on qualifications and duties noted in the position description shall be used to evaluate the interviews.
10. At the conclusion of the interviews, the chair of the selection committee shall send a memorandum to the appropriate Vice President consisting of a rationale for selecting the candidate recommended to be hired and a rationale for non-selection of the unsuccessful candidates who were interviewed along with appropriate supporting documentation. The Interview Evaluation Form must be completed for all persons interviewed before recommending employment of any candidate and must be included with the supporting documentation.

11. If the qualifications of the finalists for the position are relatively equal, consideration will be given to affirmative action goals in reviewing the search committee's recommendation
12. The Vice President shall forward the committee's recommendation, the Chair's memorandum, his/her recommendation, and the appropriate supporting documentation, including Interview Evaluation Forms, to the AAO for final approval.
13. The AAO shall notify the appropriate Vice President of completion of review process and approval of continuation of the hiring process.
14. The official offer of employment may be made orally by the Vice President or the Human Resources Director. The written offer shall come from the Human Resources Director. Commitment of employment, salary, working conditions or other contractual matters will be made by the appropriate Vice President.

All emergency, temporary, and intermittent appointments shall be included under these guidelines. Urgent emergency appointments may be exempted from these guidelines with approval of the Affirmative Action Officer. Changes in allocation shall be excluded.

**See Appendix C for Policy on Filling Unclassified Positions.**

## **PRE-REVIEW OF LAY-OFF DETERMINATIONS**

Bemidji State University will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans. Proposed lay-off decisions will be reviewed by the Equal Opportunity/Affirmative Action Officer to evaluate their effect on Bemidji State University's affirmative action program.

## **METHODS OF AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS**

Detailed in our University Checklist for Filling Vacancies is a step that we employ as a method to audit and evaluate the effectiveness of our affirmative action efforts.\* After the initial screening of applications is complete, the search committees submit all application materials along with their recommendation for the list of finalists to the Affirmative Action Officer for pre-interview review. As a result of the review process, the Affirmative Action Officer will not remove but may add additional qualified candidates, who are protected group persons, to the pool of finalists. The Affirmative Action Officer, in consultation with the appropriate Dean/Administrative Head, may decide to extend or terminate the search if the affirmative action goals are not being met by the current pool of candidates. As a part of the hiring process, the respective Vice President reviews and takes action on recommendations for hire and the Affirmative Action Officer reviews and takes action on these recommendations.

**\* See Appendix C.**

In actively working to employ and retain our workforce with the application of affirmative action principles, the Affirmative Action Officer reviews monthly statistics reflecting our current complement based on underrepresented group members. The Personnel Services Office performs record keeping on the number of hires, turnover rates, monitors the hiring process and provides data on the process via a required form. As part of the evaluation function, the Affirmative Action Officer will evaluate the effectiveness of the Affirmative Action Plan by reviewing disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic group, sex, and disability status. Additionally, the Affirmative Action Officer will review formal discrimination complaints filed in the past quarter and periodically review recruitment sources, strategies used, and the results. This data will be used to help fill specific vacancies for which goals have been set to reach utilization based upon availability.

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## WEATHER EMERGENCIES AND EVACUATION

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### EMERGENCY CLOSING PROCEDURES NOTIFICATION PROCESS FOR PEOPLE/EMPLOYEES WITH DISABILITIES

Bemidji State University recognizes the need of persons with disabilities during the notification process of all employees due to an emergency closing. It is the intent of Bemidji State University to establish an individualized method of notification for each employee with a disability as s/he is hired. Each means of communication will be established after conferring with the involved employee and ascertaining her/his unique situation and needs. That process will be provided to the employee and her/his supervisor in writing and will then be incorporated into the university's Emergency Closing Procedure.

If a weather-related or other emergency is declared by the President for Bemidji State University, the decision to close will be communicated to employees through the following media: fifteen (15) local radio stations, five (5) regional television stations, the local newspaper, (**Bemidji Pioneer**), the Associated Press and United Press International networks. Employees may also be notified directly through processes established by their respective Vice President's Office. All media notices will specifically address the University. To inform employees who are deaf or hard of hearing, the supervisor or designee may use the Minnesota Relay Service (1-800/627-3529) to contact the employee using the TTY (teletypewriter).

#### Assessment of Weather and Travel Conditions

When weather conditions become adverse so as to be hazardous to students and/or employees, the Administrative Vice President will assess weather and travel conditions by contacting at least two\* of the following resources:

-*MN Highway Patrol Regional Office (24 hours access)	218-681-0942
-*Bemidji Department of Transportation "Road Conditions"	218-755-3816
-MN Department of Transportation (N MN Road Conditions)	1-800-542-0220
-Northwest Technical College Provost	218-755-4270
-Bemidji Area Public School Superintendent	218-333-3110
-Beltrami County Highway Department	218-759-8173
-Bemidji City Road Department	218-759-3583

The Administrative Vice President shall inquire as to the current and immediately forecast temperature, wind, condition of roads, precipitation, and any imminent road closings. If conditions place commuting students in jeopardy, the Administrative Vice President will recommend to the President that classes be cancelled. If conditions are or are to become hazardous to employees' safety, or if road closures are imminent, the Administrative Vice President will recommend that the University be closed. In either instance, when possible, the timeframe of the class cancellation/closure will be included in the Administrative Vice

President's recommendation. The Physical Plant Director will perform this assessment/recommendation in the absence of the Administrative Vice President. Normally, campus closure will coincide with the closure of Minnesota State Agencies in the Bemidji area.

### Emergency Evacuation Plans

Evacuation procedures for campus buildings will depend primarily on the type of emergency necessitating the evacuation. To a lesser extent, weather conditions and other factors may also influence the procedures.

In the event of an emergency, building occupants will be directed to proceed according to one of two possible evacuation plans. Those plans will outline procedures for either external evacuation, (i.e., evacuation to an outside area such as in the case of a fire) or internal evacuation (i.e., evacuation to a safe inside location, such as in the case of a tornado). Emergency evacuation route maps are located at various locations in all buildings. The maps indicate which route to take in the event of an emergency. Designated employees in each building will coordinate evacuations. Vice Presidents, Deans, and Directors are responsible for designating employees to implement the emergency plans, in buildings they are responsible for. The designated responsibilities include: designating assistants to assist during evacuations; notifying Security and Safety immediately of any emergency necessitating evacuation; assuring that the area is being evacuated effectively; identifying and assisting individuals that require special attention due to disabilities, to evacuate safely; assuring all occupants evacuate to the designated safe area; and, accounting for occupants after the evacuation and notifying Security and Safety if any occupants are believed to still be in the building.





# BEMIDJI

STATE UNIVERSITY

Bemidji, Minnesota 56601

## MINNESOTA STATE COLLEGES AND UNIVERSITIES

**System Procedure - Chapter 1 - System Organization and Administration  
Section B - Equal Education and Employment Opportunity**

### **Procedure 1B.0.1 Reasonable Accommodations in Employment**

#### **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. **Ms. Lorena C. Cook, Assistant to the President/Affirmative Action Officer, 218/755-2900, is 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 accommodations;
3. Provide a process for appealing a reasonable accommodations decision.

**Appeals - Employees or applicants who are dissatisfied with the decision(s) pertaining to her/his accommodation request may file an appeal with the President or her/his designee, within a reasonable period of time, for a final decision.**

**If the individual believes the decision is based on discriminatory reasons, they may pursue a complaint through the University's internal complaint procedure as indicated in this plan.**

## **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

## RECRUITMENT PLAN

Bemidji State University incurred advertising expenses of approximately \$36,950 in fiscal year 2003. These advertising expenses are for unclassified positions, primarily faculty and professional staff positions.

### **Recruitment Plan**

Bemidji State University has advertised in the following publications:

- Minneapolis Tribune – Minneapolis, MN
- Duluth News Tribune -- Duluth, MN
- Grand Forks Herald – Grand Forks, ND
- The Chronicle of Higher Education – Washington, DC
- Higher Ed Jobs.com - State College, PA
- St. Paul Dispatch – Pioneer Press – St. Paul, MN
- Fargo Forum – Fargo, ND
- The Pioneer – Bemidji, MN
- Park Rapids Enterprise – Park Rapids, MN
- Crookston Daily Times -- Crookston, MN
- Affirmative Action Register – St. Louis, MO
- Mesabi Daily News – Virginia, MN
- Hibbing Daily Tribune – Hibbing, MN
- Herald – Review – Grand Rapids, MN
- National Collegiate Athletic Association News – Indianapolis, IN
- American Political Science Review – Washington, DC
- Education Week/Teacher Magazine – Bethesda, MD
- American Criminal Justice Society Employment Bulletin -- Highland Heights, KY
- Science – Recruitment Advertising – Washington, DC
- Chemical & Engineering News -- Wayne, PA
- Modern Language Association – New York, NY
- Employment Information in the Mathematical Sciences – Providence, RI
- Mathematical Association of America -- Washington, DC
- College Music Society – Missoula, MT
- The Circle -- Minneapolis, MN
- Native American Press – Bemidji, MN
- Ourselves – Cass Lake, MN
- Cass Lake Times – Cass Lake, MN
- Newslite – Bemidji, MN

Based on the letters of application the various departments receive at our University, most applicants cite the Chronicle of Higher Education as the publication in which they saw the vacancy notice. The next most frequently cited is the applicants' respective discipline-specific publication. A high number of the applicants for staff positions cite regional and local and ethnic minority newspapers as the publication in which they saw the vacancy notice. Because the University places vacancy notices in such a wide variety of publications probably accounts for the fact that the pool of applicants for the various vacancies does consist of protected group persons.

Another method used by our University is faculty and staff will take notices of available or anticipated vacancies to their professional conferences they attend and post them on bulletin boards at these conference locations. We also use our home page website and the MnSCU website to advertise our vacancies.

For the classified vacancies that we have at our University, our Personnel Department works closely with the local Minnesota State Job Service Office to assist in recruiting qualified applicants for those positions. The Personnel Director also participates in a job fair that is held annually in the spring term at our University.

The University will ensure that all of our recruitment activities are in compliance with the Americans with Disabilities Act by making materials available in alternative formats, when requested, and that meeting locations and facilities are accessible. Recruitment of persons with disabilities will consist of contacts with our local Department of Economic Security and through informal contact with on campus staff who are in contact with persons with disabilities. In addition, our University will continue to work through our Personnel Office to develop strategies for hiring persons with severe disabilities in support of the Supported Work Program. Specifically, we will be looking for particular positions whose duties could be performed by these individuals.

For the projected hiring opportunities within our classified workforce and the anticipated vacancies within our academic departments, our University will continue its efforts at recruiting underrepresented populations via Internet online advertising, direct mailings to agencies and organizations that target protected group persons, direct recruiting to targeted business, industry, associations, and individuals at conferences, and advertisements in ethnic minority publications and tribal colleges. The Affirmative Action Officer and the Personnel Services Director will continue to partner with and participate in community events such as an annual Diversity Conference and American Indian Awards Banquet. Our University President, Dr. Jon E. Quistgaard, and the Affirmative Action Officer, Ms. Lorena Cook, both serve on the Bemidji Area Race Relations Council that is an outreach vehicle for recruiting underrepresented group persons.

### **Internships**

In the event that our University has the opportunity to develop internship positions, we will recruit and select interns by providing pertinent information to possible interns, supervisors, and organizations. We will publicize the notice of internship positions and their job duties and

follow the procedures set forth in the state's Internship Administrative Procedures. Our University currently administers an internship program through our Career Services Department which affords students an opportunity to serve an internship in the world of work while a student. It also affords the agencies in the world of work an opportunity to cooperate with the University in preparing students for employment after graduation.

## **RETENTION PLAN**

The University has a Center for Professional Development which designs and administers the orientation of new faculty each fall and the assignment of established faculty to serve as mentors. Staffed and directed by faculty members, the Center, established in the fall of 1986, addresses a wide variety of professional development needs. It sponsors lectures, workshops, and symposia using guest speakers as well as faculty from our University. It also publishes a quarterly newsletter to serve as a medium for exchanging ideas about teaching and higher education and to highlight professional development activities at the University. It also maintains an on-campus resource center for faculty use, including a small library of books, videos, and other materials regarding issues in higher education. All faculty and members of the professional staff are encouraged to make use of these services provided by the Center.

The respective Vice Presidents have the responsibility of retention efforts and activities within their areas. Dr. Joann Fredrickson, Senior Vice President for Academic and Student Affairs, is responsible for the retention of faculty and student affairs personnel. Mr. Gerald Amble, Interim Vice President for Administrative Affairs, is responsible for the retention of staff in the administrative departments. Mr. Carl Baer, Vice President of University Advancement, is responsible for the retention of staff in the advancement division.

Several cultural events and activities geared towards the retention of students and staff are conducted on the campus during the academic year. Some of the activities we host on a regular basis are Black History Month, Women's History Month, the Ojibwe Art Expo, the American Indian Awards Banquet and Annual Pow-wow, and Disability Awareness Week. These activities are sponsored by the University in collaboration with student services offices or programs and faculty services programs such as the American Indian Resource Center, the American Indian Studies Program, the Women's Studies Program, the Educational Development Center, and the Black History Month Committee.

### **SEPARATION ANALYSIS:**

During fiscal years 1999 and 2000, a total of one hundred and eighty-one (181) employees separated from Bemidji State University. There were one hundred and seven (107) involuntary terminations which include adjunct faculty who are hired to teach one (1) or two (2) classes and/or fixed term replacements for faculty who are on leave. Also included in this category were three (3) ethnic minority females who were temporary hires during the summer months for a grant program on our campus. One (1) ethnic minority male staff member was a temporary employee. One (1) ethnic minority male staff member was terminated for performance reasons. In summary, of the ten (10) protected group employees who were involuntary terminations, nine (9) were terminated due to the temporary nature of their employment. Overall, there were four (4) dismissals in the involuntary terminations, all for performance reasons.



There were a total of seventy-four (74) voluntary terminations which include retirements, transfers, deaths, and resignations. Of the ethnic minorities, there were two (2) retirements, four (4) resignations, and one (1) death. Of the ethnic minorities who resigned, one (1) departed for a higher paying position and the other three (3) are no longer in the work force in general.

In conclusion, the reasons for separation are not significantly different between protected group employees and non-protected group employees. SEE CHART ON FOLLOWING PAGE.

SEPARATION ANALYSIS: BEMIDJI STATE UNIVERSITY

DATA FOR 1998-2000

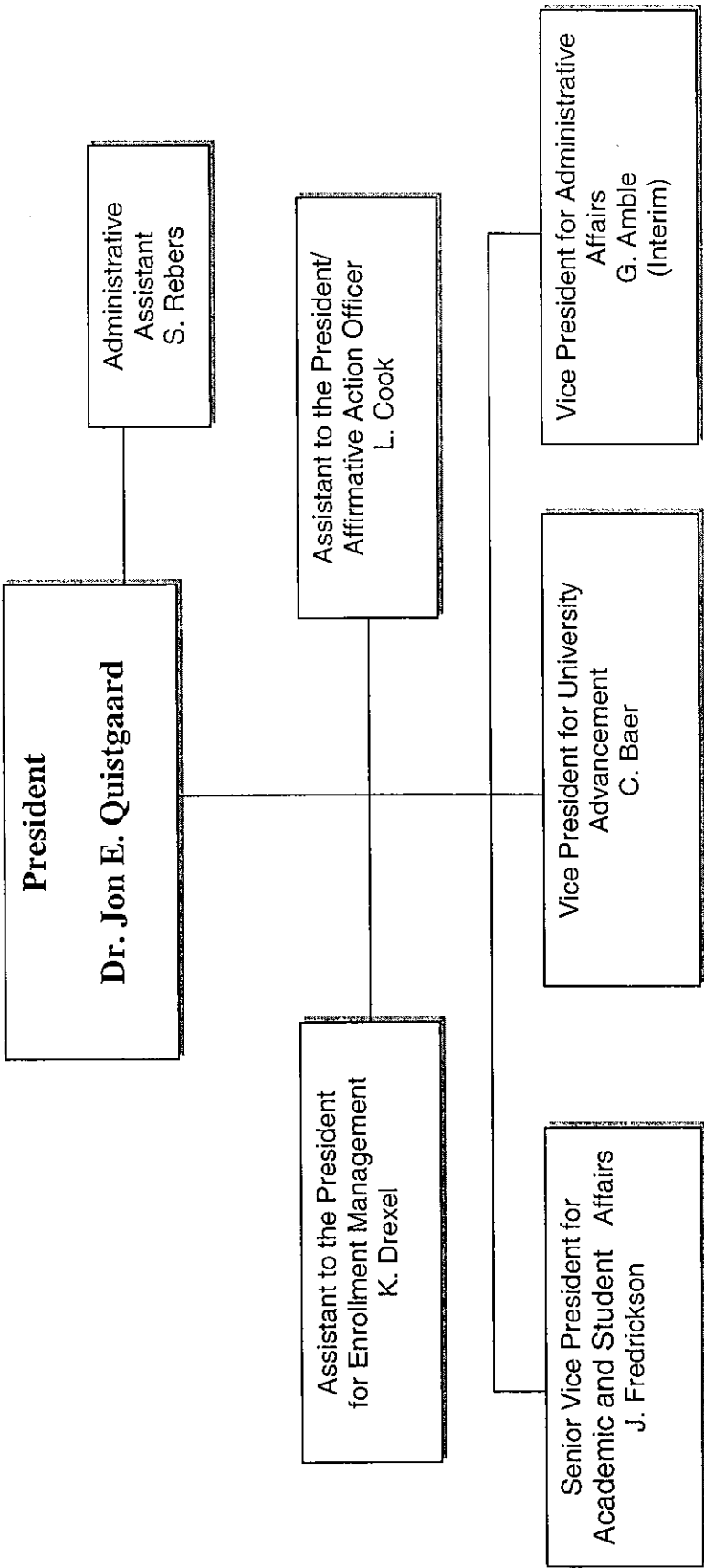
	TOTAL TERMS	TOTAL FEMALES	TOTAL MINORITY	FEMALE RATE	MINORITY RATE
INVOLUNTARY TERMS	107	47	10	44%	9%
VOLUNTARY TERMS	74	33	7	45%	17%
TOTAL TERMS	181	80	17	44%	9%

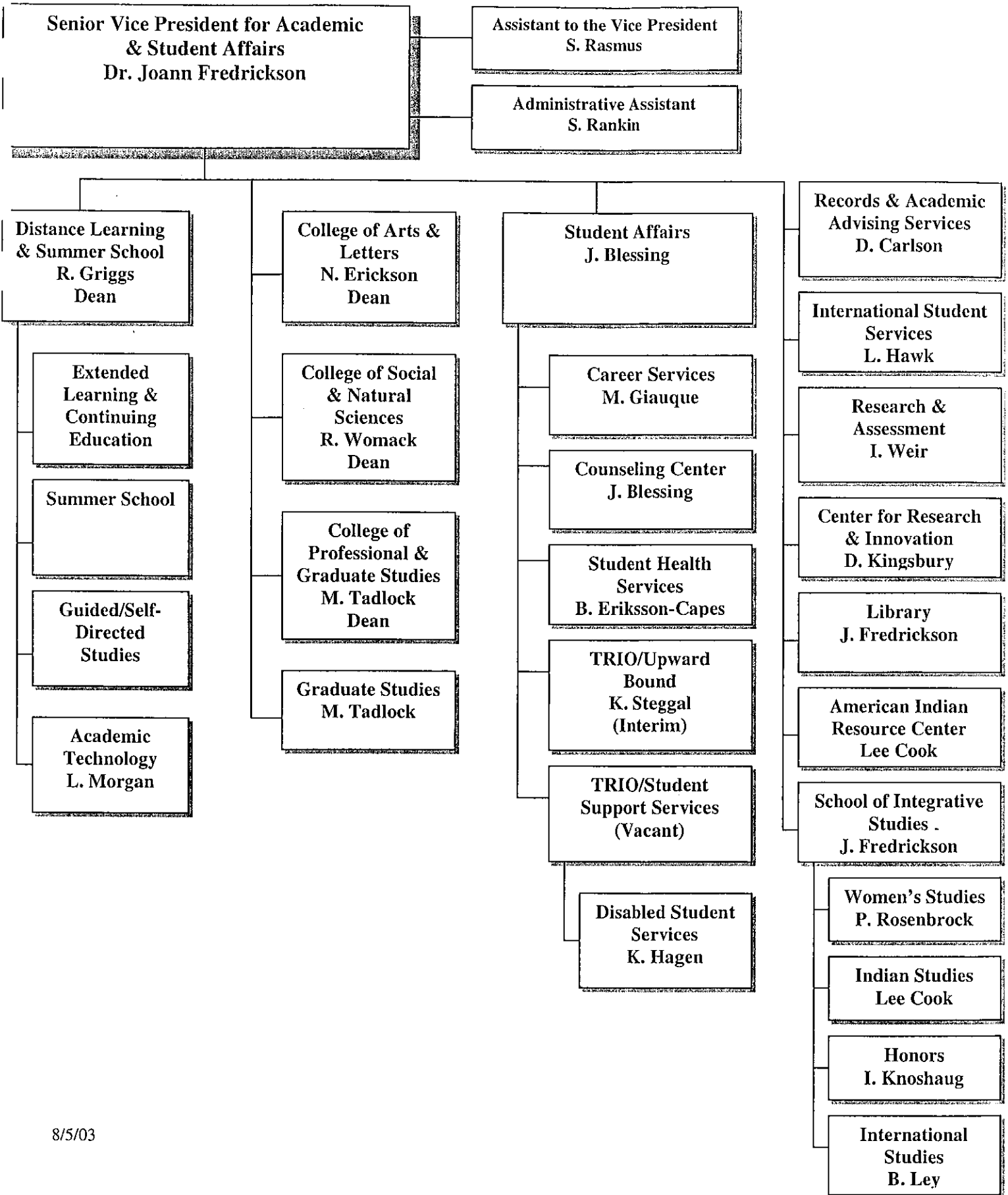
A.) Total employees as of January 1998 = 549

B.) Total employees as of January 1999 = 546

C.) Involuntary = layoff, terminated.

D.) Voluntary = quit, retired, death, transfer.

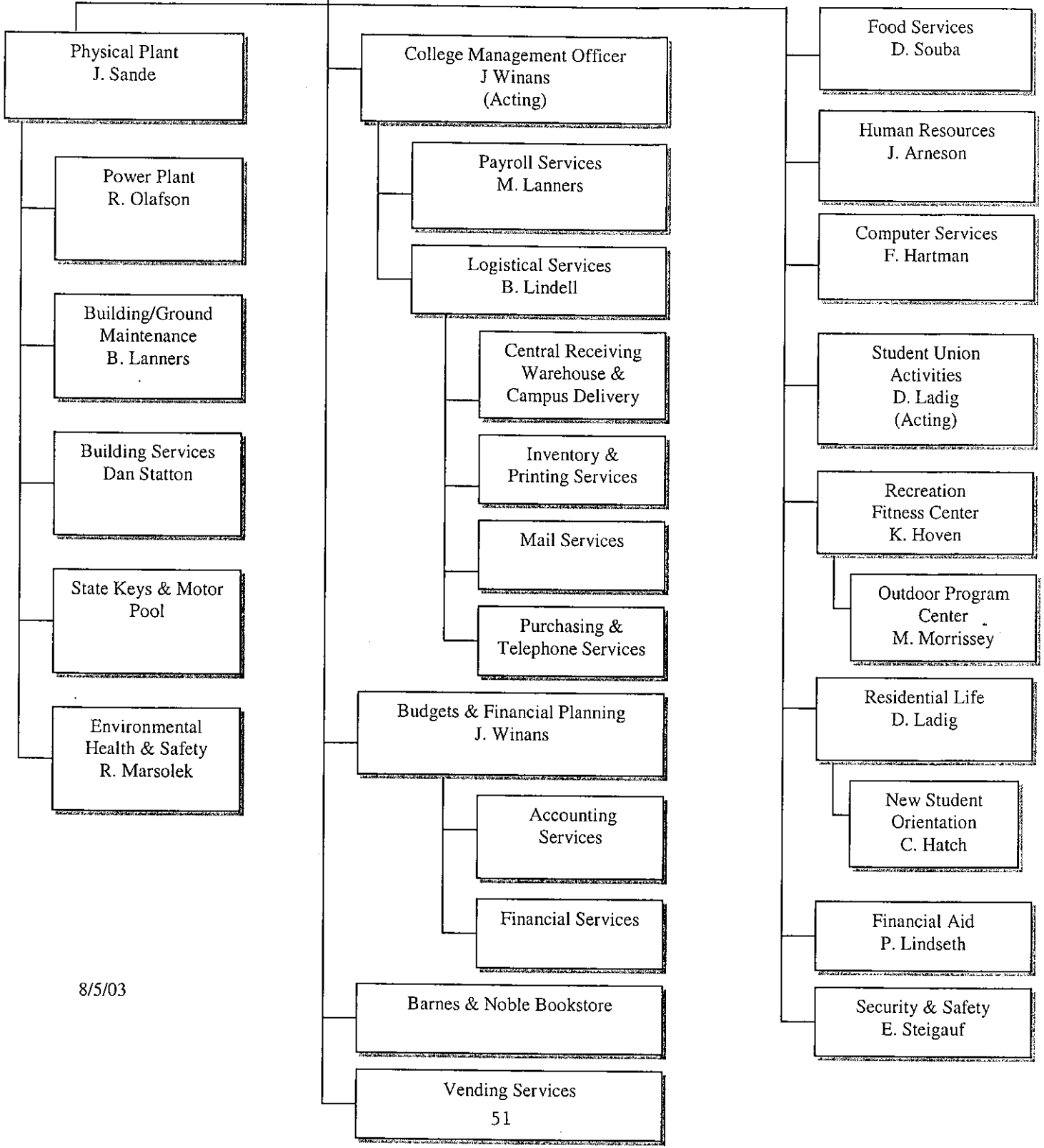




8/5/03

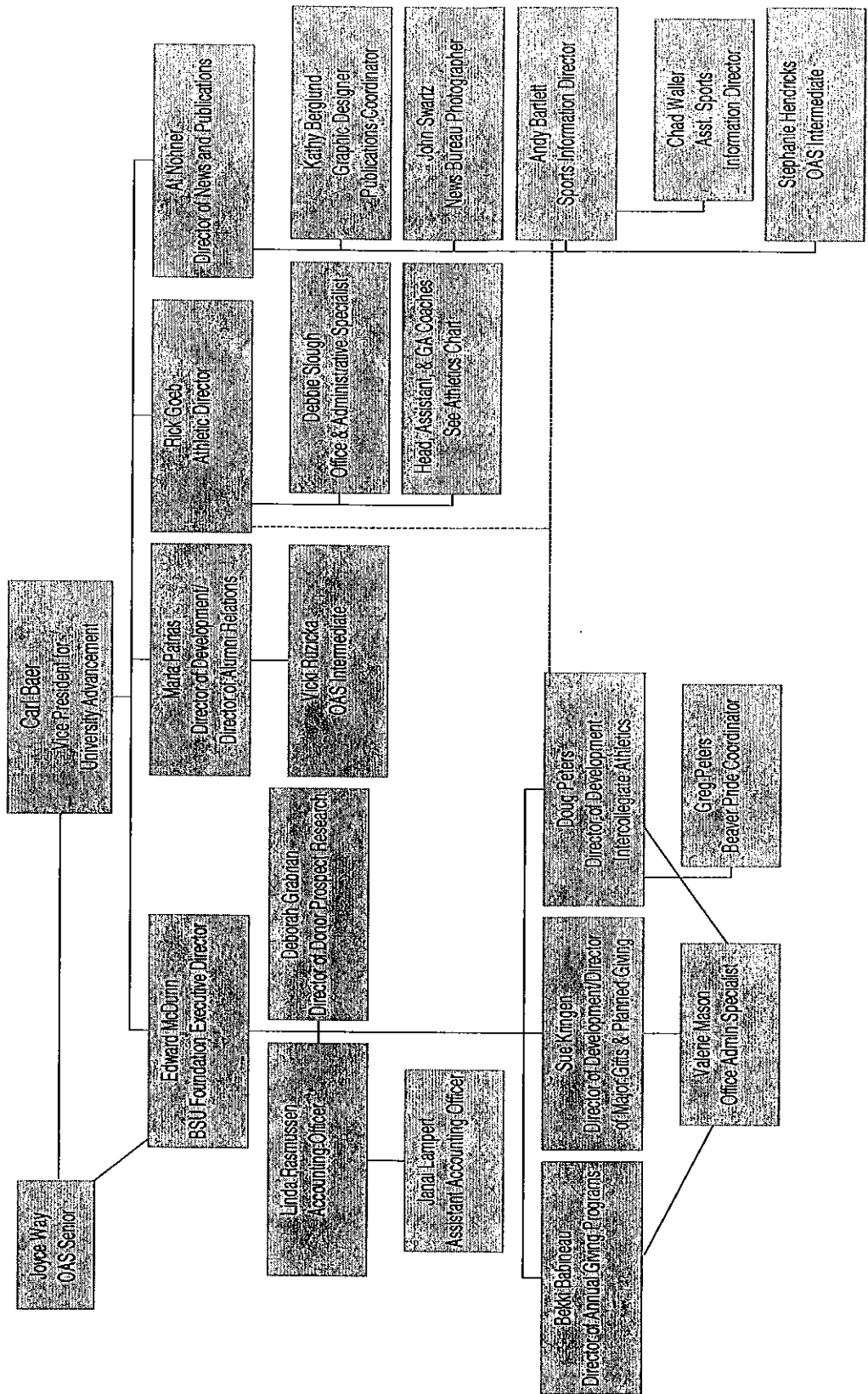
**Vice President  
for  
Administrative Affairs  
Gerald Amble  
(Interim)**

Administrative Assistant  
J. Lanners



8/5/03

# University Advancement





# BEMIDJI

STATE UNIVERSITY

Bemidji, Minnesota 56601

## MINNESOTA STATE COLLEGES AND UNIVERSITIES

### System Policy - Chapter 1 – System Organization and Administration Section B – Equal Education and Employment Opportunity

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

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

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

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

## **RACIAL DISCRIMINATION/HARASSMENT**

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

**Subpart A. Racial discrimination** is prohibited by state and federal law. Racial discrimination is defined as conduct that is directed at an individual because of his/her race, color, or national origin or that of his/her spouse and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the system or colleges and universities or otherwise adversely affects the individual's employment or education.

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

## **SEX DISCRIMINATION/HARASSMENT AND VIOLENCE**

### **Part 2. Definitions.**

**Subpart A. Sex discrimination** is prohibited by state and federal law. Sex discrimination is defined as conduct that is directed at an individual because of his/her gender or that of his/her spouse and that subjects the individual to different treatment so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the system or colleges and universities or otherwise adversely affects the individual's employment or education.

**Subpart B. Sexual harassment** is a form of sex discrimination which is prohibited by state and federal law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:



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

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

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

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

1. Forcible acts, which include non-consensual sexual contact, and/or sexual contact in which the victim is incapable of giving consent (such as when the complainant is under the influence of alcohol or drugs);
2. Nonforcible sex acts such as incest and statutory rape; and
3. The threat of an act of sexual violence. Sexual violence may include, but is not limited to:

- touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
- coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
- threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

**Subpart D. Sexual harassment and violence as sexual abuse.**

Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, the system office and colleges and universities shall comply with the reporting requirements in M.S. Section 626.556 (reporting of maltreatment of minors) and MS 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.

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

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

## SEXUAL ORIENTATION DISCRIMINATION/HARASSMENT

### Part 3. Definitions.

**Subpart A. Sexual orientation discrimination** is prohibited by state law. Sexual orientation discrimination is defined as conduct that is directed at an individual because of his/her sexual orientation and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the system, colleges and universities or otherwise adversely affects the individual's employment or education.

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

## DISABILITY DISCRIMINATION/HARASSMENT

### Part 4. Definitions.

**Subpart A. Disability discrimination** is prohibited by state and federal law. Disability discrimination as defined by law is conduct that is directed at an individual because of his/her mental/physical disability or that of his/her spouse and that subjects the individual to different treatment by agents or employees without legitimate non-discriminatory reason so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the system or colleges and universities or otherwise adversely affects the individual's employment or education.

**Subpart B. Disability harassment** is a form of discrimination which is prohibited by state and federal law. Disability harassment is defined as verbal or physical conduct that is directed at an individual because of his/her mental/physical disability or that of his/her spouse and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment. Disability harassment may occur in a variety of relationships, including faculty and student,

supervisor and employee, student and student, staff and student, employee and employee, and other relationships with other persons having business at or visiting the educational environment.

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*Date of Implementation:* 9/20/94,

*Date of Adoption:* 9/20/94,

*Date & Subject of Revisions:* 12/20/95 Added everything after the first paragraph

*There is no additional HISTORY for 1B.1 at this time.*

BEMIDJI STATE UNIVERSITY  
POLICY ON FILLING UNCLASSIFIED POSITIONS

Bemidji State University affirms its commitment to provide equal employment opportunities in accordance with law without regard to race, religion, color, national origin, sex, age, marital status, disability, creed, status with regard to public assistance, membership or activity in a local commission, sexual orientation, or inclusion in any other group or class against which discrimination is prohibited by Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Chapter 363 of Minnesota Statutes and other applicable State or Federal Laws.

Consistent with this Policy, the principle of equal opportunity shall govern all activities at Bemidji State University, including hiring, promotion, admission, and participation in all other facets of university life.

Further, the University commits itself to an advertising procedure that shall include special efforts to reach qualified underrepresented group candidates.

Unclassified Vacancy Filling Procedure

The following procedures identify normal minimal requirements for advertising all unclassified vacancies:

I) Procedure

A) Tenure Track Positions-

- 1) All tenure track IFO positions and positions greater than MSUAASF Range C or Managerial Range 2 shall be advertised nationally. The application deadline shall be a minimum of four (4) weeks from the date of the first published advertisement of the vacancy. The supervisor shall prepare an advertising plan for submission to and approval by the respective dean or vice president and the University Affirmative Action Officer. The plan shall include placement in appropriate publications/entities from the following list:

- throughout the MnSCU System
- Chronicle of Higher Education
- 228 Select Colleges and Universities (per attached list)
- Regional Job Services Network
- Ourselves (Minnesota Chippewa Tribe Newsletter)

- The Pioneer (Bemidji) (Group/Summary Advertising)
- One publication with a significant distribution rate to underrepresented groups
- The primary publication(s) recognized by the profession

2) All MSUAASF probationary positions up to and including Range C, and Managerial Ranges 1 & 2 shall be advertised regionally. The application deadline shall be a minimum of four (4) weeks from the date of the first published advertisement of the vacancy. The supervisor shall prepare an advertising plan for submission to and approval by the respective vice president and the University Affirmative Action Officer. The plan shall include placement in appropriate publications/entities from the following list:

- throughout the MnSCU System
- Star Tribune, newspaper of the Twin Cities
- 51 Regional Colleges and Universities (Minn., Wisc., Iowa, No. Dak., So. Dak.)
- Regional Job Services Network
- Ourselves (Minnesota Chippewa Tribe Newsletter)
- The Pioneer (Bemidji) (Group/Summary Advertising)
- One publication with a significant distribution rate to underrepresented groups
- The primary publication(s) recognized by the profession

B) Non-Tenure Track Positions - Per contract, this item is no longer applicable.

C) Fixed-Term/Temporary Positions

All fixed term and temporary positions shall be advertised locally. The application deadline shall be a minimum of two (2) weeks from the date of the first published advertisement of the vacancy. The supervisor shall prepare an advertising plan for submission to and approval by the respective dean or vice president and the University Affirmative Action Officer. The plan shall include placement in appropriate publication(s)/entities from the following list:

- throughout the MnSCU System
- Local Job Services Office
- Ourselves (Minnesota Chippewa Tribe Newsletter)
- The Pioneer (Bemidji) (Sun., Mon., Tues. Editions)

D) Emergency/Short Term Vacancies

Vacancies created by the unexpected separation of an employee or caused by factors beyond the control of the University shall be advertised locally. Positions can be filled up to the remainder of the academic year. The permanent filling of that position should be

advertised within an appropriate timeline. The application deadline shall be a minimum of seven (7) calendar days from the date of the first published advertisement of the vacancy. Means of advertising shall be:

- throughout the MnSCU System
- Ourselves (Minnesota Chippewa Tribe Newsletter)
- The Pioneer (Bemidji ) (and two (2) consecutive days)

II) Other Guidelines:

- A) Any position may be filled at a lower appointment status than at which advertised but may not be filled at a higher status.
- B) \*Positions advertised at a given appointment status and filled at a lower status may be continued at the original status without readvertising.
- C) Positions filled at the appointment status at which advertised must be readvertised to fill at a higher status.
- D) Candidates selected through a selection process including advertising of the vacancy may negotiate salary. Persons offered continuing appointments are bound by the terms of their respective bargaining unit agreements.
- E) The University President may, after conferring with the Equal Employment Opportunity Officer and the Affirmative Action Officer, set aside these provisions for the following reasons:
  - 1) When adequate timelines beyond the control of the University make it inappropriate to utilize the normal advertising procedures.
  - 2) Set aside or appropriately alter these procedures when:

s/he is making a promotion consistent with the University's commitment to affirmative action principles;

s/he is making a (lateral) transfer when it appears to the President that the interests of the University will be better served by placing a current employee into an existing or developing position of similar ranking in the same bargaining unit for which such employee has demonstrated skills or qualifications. Ensuing vacancies created by a lateral transfer shall be advertised in the manner indicated by the advertising procedure.

\* Subject to the respective bargaining unit agreement language limitations.

- F) The Deans or Administrative Heads are directed to develop advertising plans which include advertising in publications designed to reach underrepresented groups.
- G) The Deans or Administrative Heads are directed to develop advertising plans which also include advertising in publications specific to the discipline of the vacancy being advertised.

### III) Contractual Considerations

#### A) IFO/SUB Agreement

##### 1) Article 19 (Notice of Vacancies)

"Notice of any vacancies in the Minnesota State University System shall be made known to the faculty by means of posting on bulletin boards designed for such purposes and shall be included in the University/President's newsletter and shall be sent to the IFO simultaneously with any other publication of the vacancies. Notification to faculty who are not successful applicants shall be sent prior to the announcement of the name of the successful applicant.

##### 2) Article 21 (Appointment of Faculty), Section D (Appointment), Subdivision 4 (Probationary Appointments), Paragraph b.

"When the administration decides to fill a probationary position within a department, a notice of vacancy shall be prepared according to normal university procedures. When the notice of vacancy is approved by the administration, non-tenure track faculty who have served 3 or more FTE years in that department may apply for that position. Before commencing the formal search to fill the position, the department shall review all such applications from eligible non-tenure track applications.

#### B) MSUAASF/SUB Agreement

##### 1) Article 19 (Notice of Vacancies & Transfer)

###### Section A. (Notice of Vacancy)

"Any vacancy within the bargaining unit shall be made known, simultaneously with any other publication of the vacancy, to the employees, by means of postings on the designated bulletin boards. The Association President and the Campus Association President shall receive copies of such vacancy announcements.



#### Section B. (Transfer)

"The Employer may appoint members of the bargaining unit to positions excluded from the bargaining unit. However, no employee shall be required to accept such appointment. Employees shall neither lose nor continue to accrue benefits provided to employees in this bargaining unit because of, or during, the period of any appointment to a position outside of this bargaining unit.

#### IV) Definitions

-National Advertising - Advertising to occur throughout the U.S.  
(Circulation area of the Chronicle of Higher Education)

-Regional Advertising - Advertising to occur within Minnesota, North Dakota, South Dakota, Iowa and Wisconsin (Circulation area of the Minneapolis Sunday Tribune)

-Local Advertising - Advertising to occur within Beltrami, Clearwater, Hubbard and Cass Counties [Circulation area of the Pioneer (Bemidji)]

-Reassignment vs. Vacancy - additional duties assigned to a position will be determined to be a "reassignment" rather than a vacancy if the duties assigned comprise less than 50% of the total responsibilities of the position and if another vacancy is not created by the assignment of those duties.

## UNCLASSIFIED VACANCY FILLING CHECKLIST

- \_\_\_1) Review/update position description.
- \_\_\_2) Determine Bargaining Unit Assignment in consultation with the Personnel Office.
- \_\_\_3) Identify qualities/qualifications necessary to perform job responsibilities.
- \_\_\_4) Prepare vacancy notice.
- \_\_\_5) Complete draft "pre-interview screening criteria".
- \_\_\_6) Complete draft interview questions, including anchor responses.
- \_\_\_7) Prepare advertising plan (including efforts to recruit women/minority candidates).  
(The Academic Affairs Office will fund Chronicle of Higher Education advertising costs as well as the costs of advertising in a publication with a high circulation rate among underrepresented groups. Advertisements in discipline specific and other Affirmative Action publications are encouraged and will be charged back to the home department.)
- \_\_\_8) Submit vacancy packet for approval.
- \_\_\_9) Identify and contact members of screening committee. (If bargaining units are to be represented, assignments should be made via the President of the local unit.)
- \_\_\_10) Share draft interview questions and pre-interview selection criteria with Search Committee for reviewed and finalized pre-interview screening criteria, interview questions, and anchor responses.)
- \_\_\_11) Accept no applications after the application deadline. (If initial written contact was made prior to deadline, support materials may be accepted.)
- \_\_\_12) Contact applicants to confirm candidacy; include position descriptions and other pertinent job
- \_\_\_13) Adhere to the initial qualifications required in the vacancy notice (If those requirements are reduced, the position must be readvertised.)
- \_\_\_14) After the initial screening is complete, submit all application materials to the Affirmative Action Office for pre-interview review. A minimum of five days should be allowed for this review. Affirmative Action Office must give approval before interviews are scheduled.
- \_\_\_15) Search Committee Chair schedules interviews.

- \_\_\_16) After the committee has completed the interviews, a memo addressing the strengths/weaknesses of each candidate, as they relate to the job description, should be given to the respective Dean/Supervisor and Vice President. The candidates may be grouped as qualified or not qualified but should not be ranked.
- \_\_\_17) The respective Dean/Supervisor makes a recommendation and forwards a written rationale for that decision with the Faculty Appointment Form to the area Vice President.
- \_\_\_18) The respective Vice President approves/disapproves the Deans recommendation. If approved, a if disapproved, the Dean is notified of that decision.
- \_\_\_19) After a final selection has been made by the respective Vice President, the finalists' application if approved, the packet is forwarded to the Personnel Office; if disapproved, a rationale is attached and the packet is returned to the area Vice President.

**OFFER OF EMPLOYMENT CANNOT BE MADE UNTIL AFFIRMATIVE ACTION APPROVAL OCCURS**

\_\_\_20) Issuance of employment contract

-Personnel Office will notify dean of final approval of selection.

-Dean will contact the candidate; if candidate accepts the contract, the Personnel Office will

This is intended to be a checklist for filling unclassified positions. Please see the Affirmative Action Guidelines for complete details on filling of positions.