State of Minnesota

Dakota County Technical College

Affirmative Action Plan

2012 - 2014

DAKOTA COUNTY TECHNICAL COLLEGE
1300 145TH STREET EAST
ROSEMOUNT, MINNESOTA 55068

This document can be made available upon request in alternative formats such as large print, Braille, or on audiotape, by calling 651-423-8411.
Table of Contents

I. Introduction
II. Statement of Commitment
III. Executive Summary
IV. Responsibility for Implementation
V. Program Objectives
VI. Workforce and Utilization Analysis
VII. Hiring Goals and Timetables
VIII. Methods of Auditing, Evaluating, and Reporting Program Success
IX. Roster of College Diversity Council
X. Weather Emergencies and Evacuation
XI. Dissemination of Policy
XII. Discrimination/Complaint Procedures
XIII. Supported Employment
XIV. Reasonable Accommodations
XV. Recruitment Plan
XVI. Retention Plan
XVII. Policy Statements

Appendix A. Nondiscrimination in Employment and Education Opportunity
Appendix B. Affirmative Action in Employment
Appendix C. Dakota County Technical College Organizational Chart
Appendix D. Weather/Emergency Closings

Appendix E. Procedure for Report/Complaint of Discrimination/Harassment Investigation and Resolution

Appendix F. Reasonable Accommodations in Employment

Appendix G. Access for Individuals with Disabilities and Procedures for Accessing Accommodations for a Disability-Employees, Employees Seeking Promotions, and Job Applicants with Disabilities
I. INTRODUCTION

Dakota County Technical College is committed to promoting equal educational and employment opportunities without 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. In addition to meeting the requirement of the law, Dakota County Technical College’s goal is to educate its employees to implement the true spirit of federal and state legislation (see Appendix A).

Dakota County Technical College strives to implement policies and programs which aid in overcoming the effects of past discrimination in regard to all of the protected groups. Affirmative action must occur, not only in the employment phase of its operation, but also within its internal organizational structure and in its educational programs. The college acknowledges that employment and education outcomes may be intertwined, and makes a special effort to promote the presence of both male and female persons of varying racial and ethnic backgrounds and disabilities in order to develop in students the multicultural attitudes and awareness which the laws promote (see Appendix B).

This 2012-2014 plan outlines the goals through which the Minnesota State Colleges and Universities and Dakota County Technical College's affirmative action policies will be implemented. The college will aggressively attempt to eliminate workforce disparities and to promote genuine equal educational and employment attitudes and opportunities.
II. STATEMENT OF COMMITMENT

Dakota County Technical College (DCTC) is committed to Minnesota’s statewide affirmative action efforts and equal employment opportunity policies. I affirm my personal and official support of these policies which provide that:

- Discrimination against applicants or employees on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age will not be tolerated.
- DCTC is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan.
- DCTC will continue to actively promote a program of affirmative action, wherever minorities, women and persons with disabilities are underrepresented in the workforce.
- DCTC is committed to the retention of all qualified, talented employees, including protected group employees.

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

[Signature]
Dr. Ronald E. Thomas, President
Dakota County Technical College

Date 7/25/12
III. EXECUTIVE SUMMARY
Dakota County Technical College
Affirmative Action Plan 2012-2014

Our recent review revealed underutilization (indicated by an X) of the following protected groups in the following goal units:

<table>
<thead>
<tr>
<th>EEO Job Group</th>
<th>Women</th>
<th>Minorities</th>
<th>People with Disabilities*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration/Managers</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Professionals/Faculty</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Office/Clerical</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Technicians</td>
<td></td>
<td></td>
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<tr>
<td>Skilled Craft</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Service/Maintenance</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paraprofessionals</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Once approved, information on how to obtain or view a copy of this plan will be provided to every employee of the College. Copies will be available in the offices of the President’s Cabinet, the Human Resources Office and be available online on the DCTC website (www.dctc.edu) and the DCTC Intranet.

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

Kelly Mustang
Affirmative Action Officer
651-423-8319
7/25/12

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

Richard B. Shaw
College President
651-423-8263
7/25/12

This affirmative action plan meets the statutes and rules governing affirmative action, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently assertive to deal with the identified disparities.

Director, MMB Office of Diversity and Equal Opportunity
11/7/12
IV. RESPONSIBILITY FOR IMPLEMENTATION

President
As the primary administrator of Dakota County Technical College, the President is responsible for overseeing Dakota County Technical College’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. Ensure that adequate staffing and resources are committed to implement Dakota County Technical College’s policies and Minnesota State Colleges and Universities’ (MnSCU) policies in the area of EO/AA.

   B. Incorporate into the position description of all administrators and supervisors a clear definition of their responsibilities in the area of EO/AA and include an evaluation of the performance of these responsibilities as part of the annual performance review process.

   C. Ensure that underutilized group members are included on respective committees throughout the college and that the various constituencies within the college are also represented subject to the constraints of collective bargaining agreements.

2. Duties
   A. Appoint an Equal Opportunity/Affirmative Action Officer (EO/AA) to assist in carrying out established EO/AA responsibilities.

   B. Name a Diversity Council responsible for making recommendations concerning EO/AA programs, policies, and procedures for the college. The President shall ensure that underutilized class members are included on the Diversity Council and that the committee includes representation from various constituencies within the college. The President shall appoint representatives to the Diversity Council based upon recommendations of the constituent groups.

   C. Provide MnSCU and Minnesota Management and Budget with a summary of the college’s efforts and accomplishments in meeting goals set during the reporting period.

3. Accountability
   The President, Ronald E. Thomas (651-423-8200), is directly accountable to the Chancellor on all matters relating to equal opportunity and affirmative action at Dakota County Technical College.
Equal Opportunity/Affirmative Action Officer
The Equal Opportunity/Affirmative Action Officer is responsible for the overall implementation and administration of Dakota County Technical College’s equal opportunity and affirmative action programs.

1. Responsibilities
   A. Oversee the college’s communication of and compliance with federal, state, and MnSCU laws, regulations, and policies pertaining to EO/AA programs, including Title IX, 504 legislation, and Americans with Disabilities Act legislation.

   B. Ensure that all administrative supervisors are held accountable for the achievement of affirmative action goals and objectives and the fulfillment of EO/AA requirements by the college.

   C. Serve as the college’s ombudsperson and primary resource on EO/AA laws, regulations, and procedures.

2. Duties
   A. Advise the President on EO/AA program progress.

   B. Develop, monitor, communicate, implement, and evaluate college EO/AA programs, plans, and guidelines, in conjunction with the college Diversity Council.

   C. Monitor the search and selection process for all positions in accordance with established guidelines and procedures for recruitment.

   D. Provide recommendations to appropriate members of the college community regarding EO/AA.

   E. Prepare internal and external institutional reports on EO/AA efforts and accomplishments.

   F. Coordinate and/or promote EO/AA training and education programs.

   G. Review, investigate and process complaints of discriminatory harassment and/or lack of equal opportunity in accordance with established policies and procedures.


3. Accountability
   The Equal Opportunity/Affirmative Action Officer, Kelly Murtaugh (651-423-8319), is directly accountable to the President for the overall implementation and administration of Dakota County Technical College’s equal opportunity and affirmative action programs.
Diversity Council
Representatives to Dakota County Technical College’s Diversity Council shall be appointed based upon recommendations from various constituencies. The committee, in conjunction with the Equal Opportunity/Affirmative Action Officer, shall perform the following responsibilities and duties.

1. Responsibilities
   A. Review, update, and make recommendations concerning EO/AA programs, policies, and procedures for the college.
   B. Serve as a forum and channel for transmitting EO/AA concerns to the college administration.
   C. Provide leadership in implementing the educational aspects of system and college policies.

2. Duties
   A. Provide assistance in developing and preparing the Affirmative Action Plan (AAP) goals, and annual accomplishment reports.
   B. Identify and report problem areas and recommend needed corrective action.
   C. Perform other activities as needed or as may be deemed appropriate by the committee and/or other college personnel or as required by the MnSCU Office.

3. Accountability
   Committee members are accountable to the President for their committee work.

Administrative Supervisors (Vice Presidents, Deans, 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. Assure that all EO/AA policies, plans, and procedures are complied with and carried out in their respective administrative units.
   B. Assure that all employees within their administrative units are informed of the college's EO/AA policies, procedures, and practices.

2. Duties
   A. Assist the EO/AA in determining hiring goals to fill vacancies.
   B. Identify factors that may impede the college's pursuit of its EO/AA goals and objectives.
3. Accountability
Accountability for Administrators/Supervisors is reflected in Dakota County Technical College’s organizational chart provided in appendix C.

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

1. Responsibilities
A. Monitor the recruitment and selection process of all classified positions at Dakota County Technical College, in accordance with Minnesota Statutes 43.18 and 179.74, State of Minnesota Personnel Rules, and applicable collective bargaining agreements.

B. Monitor the recruitment and selection process for all unclassified positions.

C. Ensure that the recommendations of supervisors and others involved in the hiring process are based on job-related criteria and are consistent with the Affirmative Action goals and objectives.

2. Accountability
The Human Resources Director, Sue Raddatz (651-423-8205), is accountable to the President.
V. PROGRAM OBJECTIVES

OBJECTIVE 1: The College has invested in a more comprehensive model of advising to improve retention and completion rates of underrepresented students. This model will involve expanded employee training on issues impacting underrepresented students.

Action Steps:
- Seek to diversify and expand the cultural knowledge base of the professional advisors on campus.
- On-going training will be provided to professional and faculty advisors on strategies and information beneficial to assisting underrepresented students.
- Accountability measures will be determined and documented, consistent with the institutional measures and the Strategic Plan.
- Collaborate with faculty and academic deans to continue promotion of student success and review of achievement gaps.

Assignment of Responsibility: Dean of Student Affairs
Institutional Research Director

Target Date for Completion: Ongoing

OBJECTIVE 2: In-depth review of cultural/diversity climate on our campus and in our curriculum.

Action Steps:
- The results of the recently administered PACE survey will be reviewed and benchmarks identified. The next administration of the PACE survey will be in spring of 2014.
- Review and analyze the 2012 Community College Survey of Student Engagement (CCSSE) results about cultural conversations.
- Infuse cultural competency objectives across the curriculum and in co-curricular activities and events.

Assignment of Responsibility: Vice President of Academic and Student Affairs
Department Chairs
Diversity Council
Institutional Research Director

Target Date for Completion: June, 2013
OBJECTIVE 3: Create an on-going series of opportunities for faculty, staff, and students to expand cultural competence.

Action Steps:
- Continue to expand the Multicultural Day Celebration with the Multicultural Student Leadership Association (MSLA).
- Create a series of workshops/experiences for faculty and staff on diverse topics such as: cultural understanding, ADA and disability services, classroom management, etc.

Assignment of Responsibility: VP of Academic and Student Affairs
Student Life Director
HR Director

Target Date for Completion: June, 2014

OBJECTIVE 4: Ensure diversity is appropriately represented in all materials created by the College.

Action Steps:
- Institutionally create a process to review publications and other internal/external documents to show cross-representation graphically and avoid potentially offensive wording.
- Maintain ADA/accessibility compliance with the website and all publications.

Assignment of Responsibility: Dean of Student Affairs
Marketing, Communications & Media Relations Director

Target Date for Completion: June, 2013

Summary of 2010-2012 Objectives:

OBJECTIVE 1: The College will invest in a more comprehensive model of advising to improve retention and completion rates of underrepresented students. This model will involve expanded employee training on diversity issues.

Results: The College invested in a proactive, intrusive professional advising team. This team has been involved in weekly training on topics ranging from technical skills to expansion of their abilities in working with underrepresented students. The model is providing students with a “go-to” person for all aspects of their activity at the college for the life of their enrollment. Improved retention and completion rates are going to be tracked to provide evidence of the level of engagement. Need for additional training for advisors as well as collaboration with faculty and academic deans has been identified as the next area of engagement to aid in student success.
OBJECTIVE 2: In-depth review of cultural/diversity climate on our campus and in our curriculum.

Results: The College participated in the PACE (Personal Assessment of the College Environment) survey to assess satisfaction with the college climate, including identifying the areas of greatest satisfaction and the priorities for change. The results will be received in August of 2012 and should assist us in finalizing our review, establishing benchmarks, and gauging our campus climate.

OBJECTIVE 3: Create an on-going series of opportunities for faculty, staff, and students to expand cultural competence.

Results: The Multicultural Day celebration has successfully become a wonderful collaboration with the Multicultural Student Leadership Association, Student Life, and volunteer faculty and staff. The events have expanded to encompass several days of a wide variety of activities. Additionally, two series of Ally Training have been offered, resulting in requests for more sessions in the future. With the increase in the population of students with disabilities, specifically Asperger’s Syndrome, there have been a number of presentations and interactive experiences to help expand staff and faculty competence in welcoming this population. Several interactive “best practices” and “how would you handle” scenario sessions have been offered to faculty to assist them in the classroom.

OBJECTIVE 4: Ensure diversity is appropriately represented in all materials created by the College.

Results: The website has undergone compliance reviews and is continually updated to reflect the changing needs for accessibility. All publications are reviewed by a number of key parties to show cross-representation and avoid offensive wording.
VI. WORKFORCE AND UTILIZATION ANALYSIS
According to the utilization analysis, our agency’s workforce is underutilized in the Professionals and Faculty EEO Job Group in all three areas. We expect that there will be turnover and retirements in this group within the next two years and therefore have set goals in each of the three areas. As openings occur, we will make a good faith effort to recruit and hire three women, two minorities, and one person with a disability in the Professionals and Faculty Job Group. We will use the recruitment plan/activities cited in our Affirmative Action Plan to accomplish this.

Although we are underutilized for women in Service Maintenance and Paraprofessionals; underutilized for minorities in Administration, Office and Clerical and Service/Maintenance, we do not anticipate any growth or change in these areas in the next two years. Therefore, we have not set a goal. If openings do occur, we will make a good faith effort to recruit and hire to remedy these underutilizations.
VIII. METHODS OF AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS

PRE-EMPLOYMENT REVIEW
State law governing affirmative action programs requires Dakota County Technical College 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 vacancy occurs, the procedure below will be followed before an offer of employment is made:

1. The Affirmative Action Officer notifies the supervisor or search committee of the unmet affirmative action goals and advises them of their affirmative action responsibility. The Search Committee determines the pool of qualified applicants. The Affirmative Action Officer gathers the information as to the composition of the qualified applicant pool and is responsible for approving the pool of qualified applicants or discussing the need for further recruiting efforts with the search chair.

2. When underutilization exists, it is imperative that protected class candidates are included at every stage of the application process.

3. The Search Committee recommends up to three fully qualified candidates to the President. The President will make the decision on the final appointment.

PRE-REVIEW OF LAY-OFF DETERMINATIONS
Dakota County Technical College 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 Dakota County Technical College’s affirmative action program.

1. Dakota County Technical College will make lay-off determinations consistent with applicable bargaining unit contract/plan language.

2. The Human Resources Director and Affirmative Action Officer will review lay-off determinations prior to implementation to determine the effect on agency affirmative action goals and timetables. Any negative impact on Affirmative Action disparity status will be addressed via the pre-employment review process.

3. Nothing in this process shall be considered an obstruction to the layoff and recall language in applicable contract/plans negotiated between the state and employee unions/associations.
METHODS OF AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS
To ensure that hiring and retention procedures support the college’s commitment to hire affirmatively in a work environment void of discrimination, the following activities will be done:

1. The Affirmative Action Plan for Dakota County Technical College will be reviewed by the MnSCU Director for Affirmative Action and the MMB Director for the Office of Diversity and Equal Opportunity.

2. The Affirmative Action Officer at Dakota County Technical College will monitor the employment procedures for unclassified employees to evaluate progress and ensure that the nondiscriminatory policy is carried out. The college’s Human Resources Director will monitor the recruitment and selection process of classified employees. Records are kept on all applicants, hires, cost of recruitment, recruitment activities, and protected group reports.

3. All layoff decisions will be reviewed to determine the effects on goal units with the unmet affirmative action goals.

4. A summary of the accomplishments for the prior year’s Equal Opportunity and Affirmative Action goals and objectives will be completed and included in the biennial Affirmative Action Plan.

5. An evaluation of the affirmative action program is done biannually at a Diversity Council Resources/Affirmative Action Committee meeting.
Ron Thomas, President

Kelly Murtaugh, Vice President of Academic and Student Affairs and Affirmative Action Officer.

Sue Raddatz, Human Resource Director

Christine Pigsley, Dean

Lisa Bah, Associate Dean

Harold Torrence, Faculty

Dora Schumacher, TRIO Director

Xuong Tran, Multicultural Student Recruiter

Anne Swanberg, Disability Coordinator

Nicole Meulemans, Student Life Director

Cam Stoltz, Head Soccer Coach

Denise Strenger, Faculty

Laura McGlauchlen, Student Life Assistant

Susan Farmer, Faculty

Jennifer Robinson-West, Counselor

Lee Anne Xiong, Academic Advisor
X. WEATHER EMERGENCIES AND EVACUATION

In the event of weather or fire emergencies, the following procedures are to be followed:

Weather

DCTC Policy 4.4, Part 1 (see Appendix D) states: “The authority to cancel classes due to weather conditions or other short-term emergencies resides with the college president or the president’s designee. Cancellation of classes does not excuse any employee from work. Employees of the college, including faculty, may take personal leave, vacation leave or use earned compensatory time when classes are cancelled and they choose to be absent from work.” DCTC policy 4.4, Part 2 also gives the president the authority to close the campus using procedures developed for that purpose.

The decision to cancel classes or close the college because of a weather emergency is made by the college President or his designee. When such a decision has been made, we will immediately contact area radio and TV stations to communicate the details regarding the length of the closure and when we expect to reopen. Announcements will also be sent via the DCTC website and through other electronic communication methods in use at the time such as text messages or email announcements. Deaf and hard of hearing employees are notified of the decisions individually by their supervisor.

Fire or Building Evacuation

In the case of a fire or building evacuation, all persons are requested to evacuate the building to at least 500 feet (175 paces) and stay out of the way of the fire department. Audible alarms, alarm strobes, building intercom system, and one-on-one communication are all forms of communication that will be used during an evacuation. All persons at the college are asked to use the evacuation route and procedures posted in each area. Each instructor is responsible for evacuation of his/her classrooms and for accountability of his/her students after evacuation. Supervisors are responsible for seeing that employees with disabilities are given the necessary assistance to evacuate the building when necessary. Faculty members are responsible for seeing that students with disabilities are given the necessary assistance to evacuate the building when necessary. Be sure all exits are locked and do not use elevators. Assigned staff persons will check pre-designated areas to assure evacuation has occurred.

In addition, at the beginning of each semester, faculty are asked to remind students that in the event of an emergency building evacuation, anyone having a disability that prohibits them from moving down stairwells, should move to the nearest stairwell landing where assigned employees and/or the responding emergency agency can provide for their evacuation.

Emergency procedures are disseminated to new employees as part of the employee orientation process, and are reviewed annually with all employees.
XI. DISSEMINATION OF POLICY

The following measures will be used to inform Dakota County Technical College’s educational community and the public of Dakota County Technical College’s commitment to Affirmative Action and Equal Opportunity in all employment and educational policies, procedures, programs, services, and opportunities:

INTERNAL DISSEMINATION


2. Upon employment, all new employees will be given instruction on how to access the Affirmative Action Plan on the DCTC web site and Intranet.

3. Training to managers and supervisors on affirmative action and equal opportunity issues will be provided.

4. All recruitment brochures, job announcements and vacancy notices shall identify Dakota County Technical College as “An Equal Opportunity Employer and Educator.”

5. Copies of the Affirmative Action Plan are available to all employees and students upon request.

EXTERNAL DISSEMINATION

1. All job announcements, vacancy notices, website home page, letterhead and other education or employment related materials shall identify Dakota County Technical College as “An Equal Opportunity Employer and Educator.”

2. The college will publicize via a variety of protected group and non-protected group media sources Dakota County Technical College’s commitment to the recruitment, employment, promotion and retention of individuals with disabilities, women and minorities.

3. Copies of and/or information on Dakota County Technical College’s Affirmative Action Program and Plan shall be made available to all external constituents by contacting Kelly Murtaugh, Affirmative Action Officer, at 651-423-8319.

4. All recruitment materials, vacancy announcements and advertisements, catalogs and other material regarding education or employment contain an EO/AA statement.
5. The college’s EO/AA Policy Statement, including the name and telephone number of the Affirmative Action Officer, is displayed in appropriate locations on campus.

6. All applicants for employment or enrollment, vendors, and suppliers are informed of the College’s EO/AA Policy by including a statement on appropriate forms and applications.
XII. DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURES

Minnesota State Colleges and Universities (MnSCU) and Dakota County Technical College are 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. DCTC Policy 1B.1. (see Appendix E) addresses non-discrimination and harassment.

Dakota County Technical College publishes this policy online, in the Student Handbook and the Faculty/Staff Guidebook. The names, locations, and phone numbers for the college’s Human Rights Officer and alternates are also listed.

To seek fair and just solutions to problems of discrimination/harassment, DCTC Procedure 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution outlines the process for dealing with complaints and investigations. Any individual (employees, applicants, eligibles) alleging violation of nondiscrimination policies may pursue a complaint. Applicants and eligibles can access this policy online and through the Human Resources office.

In addition to the complaint procedures, some employees have grievance procedures included in their respective collective bargaining agreements. Complaint procedures are in accordance with applicable policies, rules, and collective bargaining agreements.

The Human Rights Officer, Sue Raddatz, (651-423-8205) is responsible for investigation and communication with complainants.
Dakota County Technical College supports the employment of individuals with disabilities who have traditionally faced employment barriers to successful employment. The College is committed to providing opportunities, either through direct recruitment or providing a host training site, for individuals with disabilities to utilize job skills that will mutually benefit the individual and the College.

As classified vacancies occur, the essential functions of the position will be identified to determine if participation in the supported work program is feasible. As positions become vacant, hiring supervisors and the Office of Human Resources will review job tasks and determine if they might be performed by a supported employment worker. We will work with those agencies/services who may be able to assist us in finding candidates for the supported work program, including the ADA/Disability Coordinator of the Office of Diversity and Equal Opportunity.
XIV. REASONABLE ACCOMMODATIONS

Dakota County Technical College has a continuing commitment to hiring, retaining and promoting individuals with disabilities who can perform the essential functions of the job with or without a reasonable accommodation. Reasonable accommodations will be provided in accordance with DCTC Procedure 1B.0.1 – Reasonable Accommodations in Employment (see Appendix F). These procedures set forth the process to be used for responding to requests for reasonable accommodations in employment based on an applicant or employee's disability.

Dakota County Technical College Policy 1B.4 - Access for Individuals with Disabilities is included in Appendix G. This policy provides definitions, describes a general access policy, and discusses reasonable accommodations.

These procedures are coordinated by Anne Swanberg, ADA Coordinator, at 651.423.8469 or V/TTY 651.423.8621. Her office is located in the Academic Support Center, room 1-112, at the college.

Funding for reasonable accommodations for employees, applicants for employment, or employees seeking promotion is provided in the college budget.
XV. RECRUITMENT PLAN

1. Advertising
   During 2010-2012, our college utilized a variety of newspapers and websites for recruiting incurring $22,384 in expenses. We used a variety of local and statewide newspapers, including the Minneapolis Star Tribune, St. Paul Pioneer Press, This Week Newspaper, and the Sun Newspapers. We have found that the majority of our candidates are learning of our vacancies via a variety of websites. Through the use of several specific websites such as the MnSCU website, Higher Education Recruiting Consortium website, and Diversity.com, our postings have been extended through these websites to over 100 other diverse and targeted websites. We will continue to analyze and explore the use of other publications and web sites.

2. Other recruitment methods used during 2010-2012:
   - For instructional openings we will continue to make use of the program advisory committees and the trade and technical journals/newsletters/websites.
   - We continue to make use of the State of Minnesota Careers website.

3. Job Fairs
   The college participated indirectly in one job fair by providing position information and materials about our college. We continue to find that job fairs are too broad for our limited number of openings and do not adequately target the openings we have available, although the name exposure to the general public is always helpful.

4. Projected Hiring Opportunities and Strategies
   The college anticipates several vacancies in the 2012-2014 reporting period due to a few anticipated faculty retirements, and some normal turnover in other areas. We plan to implement the following recruitment plan to fill these vacancies:
   - We will encourage administration to analyze the program advisory committee membership to ensure diverse membership.
   - We will work closely with the individual faculty search committees and our advisory boards to increase their recruitment efforts via word of mouth and personal contacts.
   - We will encourage faculty and staff to increase their networking with companies employing a diverse workforce.
   - We will work with our current staff to increase their activities in minority organizations which may provide contacts for our recruitment efforts.
   - For classified positions, we will continue to supplement the MMB recruitment efforts by advertising our vacancies as appropriate, and assisting potential candidates through the application process.
   - We will continue to use the MnSCU Employment Opportunities web site to post our unclassified vacancies.
   - We will continue to use print advertising and targeted advertising, as appropriate, in addition to a high concentration of online advertising.
5. Internships
We offered several internship opportunities in the past several years, and we will continue to examine the possibilities to see if this is a viable option for our college to assist us in increasing opportunities for diverse employees. We announce our internship position openings via several websites, and work closely with other colleges and universities to recruit candidates for internship positions.

6. Recruitment Efforts for Persons with Disabilities
The college will send posting notices to community organizations that serve people with disabilities, and will work with MMB to assist with recruitment efforts, as needed.

7. Supported Employment
As openings occur in our custodial/operations area, the college will work with the supervisors to recruit candidates for supported employment positions from local community resources that provide employment services to people with disabilities.
XVI. RETENTION PLAN

Retention is an important component in retaining employees and evaluating programs. Dakota County Technical College will strive to create an environment which promotes the retention of a diverse workforce. Kelly Murtaugh, Affirmative Action Officer/Vice President of Academic and Student Affairs, and Sue Raddatz, Director of Human Resources, are responsible for overseeing the retention programs/activities, but all administrators will assist with the implementation and follow-through:

Dr. Ron Thomas, President
Michael Opp, Gayle Larson, Lisa Bah and Debra McDonald, Instructional Deans

Over the last four fiscal years our number of separations has averaged 22 per year. Our retirements are remaining steady as we experience the effects of the baby boomer generation retirements. The last two years at Dakota County Technical College have again seen many staffing changes due to academic program changes and reorganization as we deal with financial constraints and enrollment declines and surges. We are struggling to maintain and increase the diversity of our staff due to these changes and our limited number of promotional opportunities available for our employees.

We will continue to do the following to retain protected group members:

- Continue employee development training programs covering information on diversity, harassment, and zero tolerance.
- Continue conducting climate surveys.
- Continue to pair seasoned employees with newly hired employees to help welcome them and acclimatize them to the college.
- Continue to sponsor multi-cultural activities for both students and staff to increase awareness and build a community that appreciates diversity.
- Continue conducting exit interviews.
- Continue to encourage supervisors to develop individual development/training plans for each employee.
- Continue to provide mediation services to resolve conflicts.

During fiscal years 2010 and 2011, 28 protected group employees separated from Dakota County Technical College, of which 8 retired. That group included 23 female employees, 3 minority employees, and 2 disabled employees. The goal units affected by those separations were Professionals/Faculty, Office/Clerical, Technicians, Service/Maintenance and Paraprofessionals.

<table>
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<th>Type of Separation</th>
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<th>FY11 Percentage</th>
<th>FY12 Number</th>
<th>FY12 Percentage</th>
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<td>Dismissal or Non-Certification</td>
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</tr>
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The following Minnesota State Colleges and Universities (MnSCU) or Dakota County Technical College policy statements are appended:

A) Nondiscrimination in Employment and Education Opportunity  
   DCTC Policy 1B.1

B) Affirmative Action in Employment  
   DCTC Policy 1B.2

C) Dakota County Technical College Organizational Chart

D) Weather/Emergency Closings  
   DCTC Policy 4.4

E) Procedure for Report/Complaint of Discrimination/Harassment Investigation and Resolution  
   DCTC Procedure 1B.1.1

F) Reasonable Accommodations in Employment Procedure  
   DCTC Procedure 1B.0.1

G) Access for Individuals with Disabilities  
   DCTC Policy 1B.4
APPENDIX A
NONDISCRIMINATION IN EMPLOYMENT and
EDUCATION OPPORTUNITY
DCTC Policy 1B.1


Subpart A. Equal opportunity for students and employees. Dakota County Technical College (DCTC) has an enduring commitment to enhancing Minnesota’s quality of life by developing and fostering understanding and appreciation of a free and diverse society and providing equal opportunity for all its students and employees. To help effectuate these goals, DCTC is committed to a policy of equal opportunity and nondiscrimination in employment and education.

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

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

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

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

This policy supersedes all existing college equal opportunity and non-discrimination policies.

Part 2. Definitions.

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

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

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

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

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

**Subpart D. Employee.** DCTC employees include all faculty, staff, administrators, teaching assistants, and student employees.

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

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

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

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

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.
Subpart G. Sexual harassment and violence as sexual abuse. Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, DCTC shall comply with the reporting requirements in Minnesota Statutes Section 626.556 (reporting of maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult Protection Act). Nothing in this policy will prohibit DCTC from taking immediate action to protect victims of alleged sexual abuse. DCTC 1B.3 Sexual Violence Policy addresses sexual violence.

Subpart H. Student. For purposes of this policy, the term "student" includes all persons who:
1. Are enrolled in one or more courses, either credit or noncredit, through the college;
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
3. Are not officially enrolled for a particular term but who have a continuing relationship with the college; or
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.

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

Part 4. Retaliation.
Retaliation as defined in this policy is prohibited at DCTC. Any individual subject to this policy who intentionally engages in retaliation shall be subject to disciplinary or other corrective action as appropriate.
APPENDIX B.
AFFIRMATIVE ACTION IN EMPLOYMENT POLICY
DCTC Policy 1B.2

Dakota County Technical College will implement and maintain an affirmative action program that takes measures to eliminate internal barriers to equal opportunity and that strives to remedy the historical under representation in the employment, retention, and promotion of qualified persons with disabilities, persons of color, and women.

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

- Continuing to recruit protected group applicants;
- Continuing affirmative action training for employees, with an emphasis on those serving on selection committees; and
- Supporting affirmative measures to retain protected group employees.
Dakota County Technical College
07/12/2012

DCTC College President
Dr. Ronald Thomas
MnSCU President

Executive Assistant to the President
Kimberlee Gelhar
Executive 2

Director of Administrative Services
Sue Raddatz**
MnSCU Admin 6

Director of Institutional Advancement
Erin Edlund
MnSCU Admin 4

Dean of Transportation and Technical
Mike Opp
MnSCU Admin 6

Dean of Student Affairs
John Greg McCalley
MnSCU Admin 6

Dean of Design, Health and Human Services
Vacant
MnSCU Admin 6

Associate Dean of Allied Health/Director of Nursing
Debra MacDonald
MnSCU Admin 5

Information Technology

Dean of Customized Training and Continuing Education
Patrick McQuillan
MnSCU Admin 5

Vice President of Academic and Student Affairs
Kelly Murtaugh
MnSCU Admin 7

Director of Institutional Advancement
Erin Edlund
MnSCU Admin 4

Dean of IT, Business, and General Education
Gayle Larson
MnSCU Admin 6

Associate Dean of Business Entrepreneur Institute and Customized Training
Lisa Bah
MnSCU Admin 2

Associate Dean of Allied Health/Director of Nursing
Debra MacDonald
MnSCU Admin 5

Dean of Transportation and Technical
Mike Opp
MnSCU Admin 6

Dean of Student Affairs
John Greg McCalley
MnSCU Admin 6

Business Office

Facilities/Operations

Human Resources

Auxiliary Services

* CFO from IHCC will continue in her regular role at IHCC but will assist DCTC and report directly to the DCTC college president and oversee/direct the functions as listed/described in the memorandum of understanding.

* DCTC Director of Administrative Services is responsible for the day-to-day operation of the Business Office.
Part 1. Cancellation of Classes. The authority to cancel classes due to weather conditions or other short term emergencies resides with the college president or the president’s designee. Cancellation of classes does not excuse any employee from work. Employees of the college, including faculty, may take personal leave, vacation leave or use earned compensatory time when classes are canceled and they choose to be absent from work.

Part 2. Campus Closing due to Weather or Other Short Term Emergency. The authority to close the college due to a weather or other short term emergency of six (6) calendar days or less resides with the college president or the president’s designee. The closure of state agencies by the Commissioner of Minnesota Management and Budget does not apply to MnSCU institutions. The Governor of Minnesota has emergency powers to issue an executive order to change the work schedule of executive branch employees in cases of natural disaster or other emergencies and this does apply to MnSCU employees.

Related Topic: DCTC Procedure 4.4.1 – Closing and Class Cancellation Procedure
APPENDIX E.
PROCEDURE FOR REPORT/COMPLAINT OF DISCRIMINATION/HARASSMENT INVESTIGATION AND RESOLUTION
DCTC Policy 1B.1.1

Part 1. Purpose and Applicability.

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

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

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

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

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

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

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

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

Subpart B. Decision maker. Decisionmaker means a high level administrator designated by the college president to review investigative reports, to make findings whether DCTC Policy 1B.1 has
been violated based upon the investigation, and to determine the appropriate action for the institution to take based upon the findings. Prior to serving as a decisionmaker for complaints under this procedure, administrators must complete decisionmaker training provided by the Office of the Chancellor.

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

1. Participated in the investigation or resolution of a complaint under this procedure;
2. Opposed conduct the individual believes was in violation of DCTC Policy 1B.1.; or
3. Associates with another individual who is protected from discrimination under Policy 1B.1.

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

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

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

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

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

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

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

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

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

Any student, faculty member or employee who knows of, receives information about or receives a complaint of discrimination/harassment is strongly encouraged to report the information or complaint to the designated officer at DCTC.
Subpart B. Duty to report. Administrators and supervisors shall refer allegations of conduct that they reasonably believe may constitute discrimination or harassment under DCTC Policy 1B.1 to the designated officer, or in consultation with the designated officer may inquire into and resolve such matters.

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

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

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

Subpart F. Withdrawn complaints. If a complainant no longer desires to pursue a complaint, DCTC reserves the right to investigate and take appropriate action.

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

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

Part 6. Investigation and Resolution. DCTC has an affirmative duty to take timely and appropriate action to stop behavior prohibited by DCTC Policy 1B.1, conduct investigations and take appropriate action to prevent recurring misconduct.

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

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

Subpart C. Processing the complaint. The designated officer must be contacted in order to initiate a report/complaint under this procedure. The scope of the process used in each complaint/report shall be determined by the designated officer based on the complexity of the allegations, the number and relationship of individuals involved, and other pertinent factors.
1. **Jurisdiction.** The designated officer shall determine whether the report/complaint is one which should be processed through another college procedure available to the complainant; if appropriate, the designated officer shall direct the complainant to that procedure as soon as possible.

2. **Conflicts.** The designated officer should identify to the college president any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the college 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 DCTC Policy 1B.1 and this procedure;
   b.) provide a copy of or Web address for DCTC Policy 1B.1 and this procedure to the complainant;
   c.) determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement; and
   d.) inform the complainant of the provisions of DCTC Policy 1B.1 prohibiting retaliation.

4. **Complaint documentation.** The designated officer shall insure that the complaint is documented in writing. The designated officer may request, but not require the complainant to document the complaint in writing using the complaint form of the college.

5. **Information provided to the respondent.** At the time initial contact is made with the respondent, the designated officer shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy. At the initial meeting with the respondent, the designated officer shall:
   a) provide a copy of or Web address for DCTC Policy 1B.1 and this procedure to the respondent;
   b.) provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
   c.) explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
   d.) determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement; and
   e.) inform the respondent of the provisions of DCTC Policy 1B.1 prohibiting retaliation.

6. **Investigatory process.** The designated officer shall:
   a.) conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
   b.) inform the witnesses and other involved individuals of the prohibition against retaliation;
   c.) create, gather and maintain investigative documentation as appropriate;
   d.) disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law; and
   e.) handle all data in accordance with applicable federal and state privacy laws.

7. **Interim Actions.**
   a.) Employee reassignment or administrative leave. Under appropriate circumstances, the college president may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
   b.) Student summary suspension or other action. Under appropriate circumstances, the college president may, in consultation with system legal counsel, summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with The DCTC Student Conduct Code and associated college procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time.
period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college activities without obtaining prior permission from the college president. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

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

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

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

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

1. **Designated officer.** The designated officer shall:
   a.) Prepare an investigation report and forward it to the decisionmaker for review and decision.
   b.) Take additional investigative measures as requested by the decisionmaker.
   c) Be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). In determining the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.

2. **Decision maker.** After receiving the investigation report prepared by the designated officer, the decisionmaker shall:
   a.) Determine whether additional steps should be taken prior to making the decision. Additional steps may include:
      1) a request that the designated officer conduct further investigative measures.
      2) a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law.
      3) a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.
   b.) Take other measures deemed necessary to determine whether a violation of DCTC Policy 1B.1 has been established.
   c.) When making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors.
   d.) Determine the nature, scope and timing of disciplinary or corrective action and
the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline.

e.) As appropriate, consistent with applicable state and federal data privacy laws, report in writing to the complainant, respondent and the designated officer her or his findings, and the basis for those findings, as to whether DCTC Policy 1B.1 has been violated. The written response to the complainant shall be provided within 60 days after a complaint is made unless reasonable cause for delay exists.

f.) Conduct that is determined not to have violated DCTC Policy 1B.1 shall be referred to another procedure for further action, if appropriate.

Part 7. College action. The college shall take the appropriate corrective action based on results of the investigation, and the designated officer shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates DCTC Policy 1B.1, as well as allegations of retaliation.

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


Subpart A. Filing an appeal. The complainant or the respondent may appeal the decision of the decisionmaker. An appeal must be filed in writing with the college 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 the college president or other official who reports directly to the chancellor, an appeal may be considered by the chancellor whether or not the chancellor served as the decisionmaker.

Subpart B. Effect of review. For employees represented by a collective bargaining agreement, an appeal under this procedure is separate and distinct from, and is not in any way related to, any contractual protections or procedures. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) academic/business 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 college president or designee shall review the record and determine whether to affirm or modify the decision. The college president or designee may receive additional information if the president or designee believes such information would aid in the consideration of the appeal. The decision on appeal shall be made within a reasonable time and the complainant, respondent and designated officer shall be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

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

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

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

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

**Human Rights Officer and Alternates**

- **Human Rights Officer**
  Sue Raddatz, Director of Human Resources, 2-304
  651-423-8205

- **Alternate**
  Jennifer Robinson-West, Counselor, Student Services Office
  651-423-8217

- **Alternate**
  Lisa Bah, Associate Dean, Apple Valley location
  641-423-8206
Dakota County Technical College
Discrimination/Harassment Complaint Form

Date: ______________________________

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

Address: ________________________________________________________________

City: __________________________ State: ______ Zip: _______________________

Phone: (work) ___________________________ (home) __________________________

Sex: ☐ Male ☐ Female

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

BASIS OF MY COMPLAINT (“X” all that apply):

☐ Race ☐ Age ☐ Reliance on Public Assistance
☐ Sex ☐ National Origin ☐ Sexual Orientation
☐ Color ☐ Disability ☐ Marital Status
☐ Creed ☐ Religion ☐ Membership/Activity in Local Commission
☐ Gender Identity ☐ Gender Expression

Date most recent act of harassment/discrimination took place:

Name of RESPONDENT (Person who harassed/discriminate against you):
______________________________________________________________
(if more than one respondent, please attach list)

Address __________________________________________________________

City: __________________________ State: ______ Zip: _______________________

Phone: (work) ___________________________ (home) __________________________

Sex: ☐ Male ☐ Female

Status: ☐ Student ☐ Faculty ☐ Staff ☐ Administrator ☐ External/Non-Campus
DESCRIBE HOW YOU BELIEVE YOU HAVE BEEN HARASSED/DISCRIMINATED AGAINST (NAMES, DATES, PLACES, ETC.) Use a separate sheet of paper if needed and attach to this form.

LIST POTENTIAL WITNESSES YOU BELIEVE POSSESS INFORMATION ABOUT YOUR COMPLAINT. Add additional pages if necessary.

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Complainant Signature  

Date:
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 Dakota County Technical College (DCTC) to encourage the employment and promotion of any qualified individual including qualified individuals with disabilities. The college 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 college.

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.
   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.
   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.

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### Part 4. Disability Non-Discrimination Coordinators.

- Anne Swanberg, Disability Services Advisor, 651-423-8469
- Kelly Murtaugh, Vice-President of Academic and Student Affairs, Affirmative Action Officer, 651-423-8319
- Sue Raddatz, Human Resources Director, 651-423-8205

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### 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.

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### 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 college 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:

1. The accommodation would impose an undue hardship on the college as provided under Subpart C.
2. The individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job.
3. 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, the geographic separateness and administrative or fiscal relationship of the employer in question to the covered entity.
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.
Applicants
- Job applicants requesting accommodations should contact the Director of Human Resources.
- Applicants may be asked to provide documentation from a qualified professional.
- The Human Resources Director or a designated representative will approve or deny accommodation requests in a manner compliant with ADA provisions.
- Appeal procedures are outlined in the ADA Policy Manual and will be provided upon request.

Employees
- Employees requesting accommodations should contact their supervisor.
- Employees may be asked to provide documentation from a qualified professional.
- The supervisor will review the request and consult with the employee, the ADA Coordinator, the Director of Human Resources, and the Dean or Supervisor of the work unit regarding the request and an appropriate response.
- The ADA Coordinator may arrange to have additional medical or rehabilitation specialists evaluate the essential functions of the job and/or employee's capabilities in order to recommend possible accommodations.
- The employee will be informed of the decision regarding the accommodation request in writing within 20 working days. If the 20-day working limit cannot be met, the supervisor will meet with the employee to agree on a reasonable time limit.
- In accordance with applicable collective bargaining agreements, employees may have the right to request and receive union representation during the reasonable accommodations process.

Subpart G. Appeal.
- An employee may appeal the decision to the Affirmative Action Officer within 30 calendar days of receipt of decision.
- Upon receipt of a written appeal, the Affirmative Action Officer will conduct an investigation and provide the employee with a written decision within 25 working days of receiving the appeal. If it is not possible to meet this deadline, the Affirmative Action Officer will indicate, in writing, the need for an extension and set a new deadline.
- If unsatisfied with this determination, any party to the matter may file a written request to the College President for a final determination.

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.
**DCTC EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION**

Please Print or Type

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*Attach additional sheets for questions below if necessary*

1. Please describe the nature of your disability, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited. (Please attach supporting medical documentation)

2. Type of accommodation requested to perform essential function(s):

3. Which essential function(s) of your job will the requested accommodation(s) allow you to perform?

4. Why is the requested accommodation necessary to perform the essential job function(s)?

5. How will the requested accommodation be effective in allowing performance of the essential job function(s)?

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Submit this form to Human Resources. This information will be used by human resource management or any other person, including DCTC’s legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however if you refuse to provide it, your employer may refuse to provide reasonable accommodation.
APPENDIX G

ACCESS FOR INDIVIDUALS WITH DISABILITIES

DCTC Policy 1B.4

Part 1. Policy Statement. Dakota County Technical College (DCTC) is committed to ensuring its programs, services and activities are accessible to individuals with disabilities, through its compliance with state and federal laws. The college recognizes that individuals with disabilities may need accommodations to have equally effective opportunities to participate in or benefit from the college’s programs, services and activities.

Part 2. Definitions

Subpart A. An individual with a disability:
1. Any person who has a physical or mental impairment which materially limits one or more of the person’s major life activities.
2. Any person who has a record of such impairment which means that a person has a history of or has been classified as having a mental or physical impairment that materially limits one or more major life activities.

Subpart B. Qualified individual With A Disability: An individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services or participation in a system office, college, or university program or activity. Essential eligibility requirements include, but are not limited to, academic and technical standards requisite to admission or participation in an education program or activity.

Subpart C. Devices and services: Program devices and services may include wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

Part 3. General Access Policy

DCTC will provide access to programs, services and activities to qualified individuals with known disabilities as required by law. An individual requesting an accommodation may be required to provide documentation of eligibility for the accommodation.

Part 4. Reasonable Accommodations to Ensure Access to Programs, Services and Activities

DCTC will make reasonable accommodations to ensure access to programs, services, and activities as required by law. Access means that a qualified individual with a disability will not be excluded from participation in or be denied the benefits of the services, programs, or activities, nor will the individual be subjected to discrimination. Reasonable accommodations may include modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; provision of auxiliary aids or the provision of equally effective programs, services, or activities.

In accordance with the Americans with Disabilities Act, accommodations will not be provided for 1) personal devices or services even though the individual may be a qualified individual with a disability, or 2) that result in a fundamental alteration in the nature of a service, program, or activity or in undue financial or administrative burdens.
Part 5. Offered and/or Sponsored Services or Activities for Qualified Students with Disabilities
DCTC will provide access to services and/or activities that are operated or sponsored by the College or that receive significant assistance from the College. Such access shall be provided in a reasonable manner as required by law. At a minimum, the following will be offered to qualified students with disabilities:

1. Support, short-term counseling, and information services that may include support groups, short-term individual counseling, career counseling and assessment, and referral services.
2. Academic assistance services that may include assistive devices, early registration services, early syllabus availability, course selection, and program advising, course work assistance, testing assistance and modification, and tutoring.

Coordination services that may include personnel acting on the student’s behalf and serving as the primary contact and coordinator for students needing services, assistance in working individually with faculty and administrators, intervention procedures, and grievance procedures.