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

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

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

**1. Designated officer.** The designated officer shall:

- a.) prepare an investigation report and forward it to the decisionmaker for review and decision;

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- b.) take additional investigative measures as requested by the decisionmaker; and
- c) be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). In determining the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.

**2. Decisionmaker.** After receiving the investigation report prepared by the designated officer, the decisionmaker shall:

- a.) determine whether additional steps should be taken prior to making the decision.

Additional steps may include:

1. a request that the designated officer conduct further investigative measures;
2. a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining

agreement and federal and state law; and

3. a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.

b.) take other measures deemed necessary to determine whether a violation of Policy 1B.1 has been established;

c.) when making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors;

d.) determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline;

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

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

**Part 7. Office of the Chancellor, College, or University Action.** The Office of the Chancellor, college, or university shall take the appropriate corrective action based on results of the investigation, and the designated officer shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates Board policy 1B.1, as well as allegations of retaliation. Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the Office of the

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Chancellor, college or university. In accordance with state law, the Office of the Chancellor, college or university is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Employee Relations within 30 days of final disposition.

### **Part 8. Appeal.**

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

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

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

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

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

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

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

*Approval Date: 02/17/97,*

*Effective Date: 05/08/03,*

*Date and Subject of Revision:*

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

*04/02/03- amended portions of the policy - Part 1. - added second paragraph, Part 2, Subpart A – added second paragraph, Part 2, Subpart B – added second paragraph, Part 3, Subpart D, 1, 2. – slight modifications, Part 5, Subpart G, 3. – slight modification, Part 6 – deleted last sentence, Part 7, Subpart A – deleted a sentence, Part 7, Subpart C – slight addition, Part 10 – added second paragraph, December 18, 2000 - amended the entire policy*

## APPENDIX B.

### MnSCU WEATHER/EMERGENCY CLOSINGS POLICY 4.4

#### Part 1. Cancellation of Classes due to Weather or Other Emergencies

The authority to cancel classes due to weather conditions or other emergencies resides with the college or university 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 or used earned compensatory time when classes are cancelled and they choose to be absent from work.

#### Part2. Campus Closing due to Weather or other Emergency.

The authority to close college or university campuses when a weather or other emergency exists resides with the president or the president's designee. The closure of state agencies by the Commissioner of the Department of Employee Relations does not apply to MnSCU institutions. The Governor of Minnesota has emergency powers to issue an executive order to change the work schedule of executive branch employees in cases of natural disaster or other emergencies [M.S. Section 12.21]. This does apply to MnSCU employees.

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

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

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

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

**Subpart D.** When a campus closing is declared, college or university employees are excused from work with pay. A campus closure applies to all employees without regard to labor contract. Weather or other emergency essential employees who are not excused from work will be paid their regular rate of pay.

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

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

## APPENDIX C.

### Inver Hills Community College Reasonable Accommodation Policy

#### **POLICY**

Inver Hills Community College is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of Inver Hills Community College to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

#### **DEFINITIONS**

**Disability:** For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activity.

#### **Reasonable Accommodation:**

A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

- a. To assure equal opportunity in the employment process;
- b. To enable a qualified individual with a disability to perform the essential functions of a job; and
- c. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

#### **PROCEDURE - CURRENT EMPLOYEES AND EMPLOYEES SEEKING PROMOTION**

1. Inver Hills Community College will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor or the College's employment ADA Coordinator, of the need for an accommodation.

3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the ADA Coordinator shall, in consultation with the individual:
  - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
  - b. Determine the precise job-related limitation.
  - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
  - d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, Inver Hills Community College is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee, the ADA Coordinator, and the Human Resources Director shall work together to determine whether reassignment may be an appropriate and possible accommodation.

#### **PROCEDURE-JOB APPLICANTS**

1. The job applicant shall inform the ADA Coordinator of the need for an accommodation. The ADA Coordinator will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

#### **POLICY FOR FUNDING ACCOMMODATIONS**

Funding must be approved by Inver Hills Community College for accommodations that do not cause an undue hardship (M.S. 43A.191(c)).

#### **Definition**

**Undue Hardship.** An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of Inver Hills Community College.

## **Procedure for Determining Undue Hardship**

1. The employee will meet with the ADA Coordinator to discuss the requested accommodation.
2. The ADA Coordinator will review undue hardships by considering:
  - a. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
  - b. The impact of the accommodation on the nature or operation of Inver Hills Community College.
3. The ADA Coordinator will provide a decision to the employee.

## **APPEAL PROCESS**

An employee or applicant who has been denied accommodation may appeal to the President or designee, in writing, within 10 working days of the notification of denial. The President or designee shall issue his/her decision, in writing, within 10 working days of receipt of the appeal, and mail copies of his/her decision to the employee, the Human Resources Director, and the ADA Coordinator.

If the individual believes the decision is based on discriminatory reasons, then he/she may file a complaint under the *Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure* (Appendix A).

## **SUPPORTED WORK**

Inver Hills Community College will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from DOER. Inver Hills Community College will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.