

**Listing of Mailout Material
July 15, 2020**

-  **Forwarding Letter**
-  **Meeting Agenda**

I. Review and approve minutes of the meeting of June 17, 2020

-  **Minutes of June 17, 2020**


II. University of St. Thomas

-  **Preliminary Financing Plan – Baker Tilly**
-  **Resolution Relating to Financing Terms – McGrann Shea**
-  **Series Resolution – McGrann Shea**



III. Review of Authority Phone System Upgrade Proposals

-  **Contains Proprietary Information – Board will receive proposals and comparison matrix separately**

IV. Draft of Financial Advisor RFP

-  **Contains Proprietary Information – Board will receive RFP Draft separately**

V. Policy Updates/Reporting

-  **2020-2022 Affirmative Action Plan**
-  **Authority Return to Work Policy**

VI. Old Business

VII. New Business

VIII. Other Business

MEMORANDUM



380 JACKSON STREET, SUITE 450, ST. PAUL, MN 55101

Main Phone: 651.296.4690 Fax: 651.297.5751

Date: 8 July 2020

To: Minnesota Higher Education Facilities Authority Board Members

From: Barry W. Fick, Executive Director

Subject: July 2020 Authority Board Meeting Outline

Greetings to the Minnesota Higher Education Facilities Authority July 15, 2020 teleconference Board meeting. The July 2020 Board meeting will consider the Finance Plan and Series Resolution for the University of St. Thomas Series 2020A and 2020B Notes, along with a number of administrative items.

We have completed the review of the Telecommunication system proposals and will present those along with a recommendation for discussion and decision at the July 2020 Board meeting.

We will present a Draft Municipal Advisor Request for Qualifications / Request for Proposal and present information on Policy updates to continue compliance with Minnesota Management and Budget guidelines.

We continue to work from home according to Executive Order issued by the Governor and endorsed by MMB, with occasional visits to the office.

We look forward to your participation by telephone for the meeting.

Wednesday, July 15, 2020

2:00 PM

Meeting to be held via conference call due to pandemic emergency social distancing.

Please utilize the conference call line provided below.

- I. Review and approve minutes of the meeting of June 17, 2020
- II. University of St. Thomas
 - Preliminary Financing Plan – Baker Tilly
 - Resolution Relating to Financing Terms – McGrann Shea
 - Series Resolution – McGrann Shea
- III. Review of Authority Phone System Upgrade Proposals
- IV. Draft of Financial Advisor RFP
- V. Policy Updates/Reporting
 - Affirmative Action Plan
 - Return to Work Policy
 - Internal Controls Report
- VI. Old Business
 - Authority Investment Options
- VII. New Business
- VIII. Other Business
 - Executive Director's Report

MHEFA Office Guest Wifi Network: "MHEFA-Guest" Password: "highered"

Meeting call-in number: 888-742-5095 Conference Code: 582 273 6685#

The Minnesota Higher Education Facilities Authority (the “Authority” or “MHEFA”) convened a regular Board meeting at 2:00 PM CDT, Wednesday, June 17, 2020, in the Authority’s Conference Room, 380 Jackson Street, Suite 450, Saint Paul, Minnesota.

Following Emergency Executive Order 20-01, dated March 13, 2020, Declaration of Peacetime Emergency by Governor Walz; Emergency Executive Order 20-20, dated March 25, 2020; and Emergency Executive Order 20-33, dated April 8, 2020 (the foregoing and other Emergency Executive Orders of the Governor relating to COVID-19, as may be amended or superseded, collectively, the “Emergency Orders”), members of the Authority participated in and attend the meeting by telephone or other electronic means in accordance with Minnesota Statutes, Section 13D.021.

Authority Chair Ranum determined that an in-person meeting at the regular meeting location for the Authority, 380 Jackson Street, Suite 450, Saint Paul, Minnesota 55101, is not practical or prudent because of the health pandemic declared under the Emergency Orders and according to current guidance from the Minnesota Department of Health, the Centers for Disease Control and Prevention, and the U.S. Department of Homeland Security.

The chief administrative officer of the Authority, Executive Director Barry W. Fick, was physically present at the Authority’s offices, 380 Jackson Street, Suite 450, Saint Paul, Minnesota 55101.

Members of the public who plan to be present at the public hearing at the Authority’s offices in person will be required to observe social distancing and comply with other measures imposed by the Emergency Orders.

The public were able to monitor the meeting by calling (toll free) 888-742-5095; Pass Code: 582 273 6685#.

A roll call was taken and the following board members or their designees were present and attending by telephone:

Board Members:	Gary Benson
	Mary Ives
	Mark Misukanis
	Michael Ranum
	Bonnie Anderson Rons
	David Rowland
	Nancy Sampair

Ray Vin Zant
Powait Yang
Paul Cerkenik, Minnesota Private College Council, ex officio without vote

Absent: None

Public Attendees: None

Also Present: Barry W. Fick (in-person) Executive Director MHEFA
Amanda Lee, Operations Manager, MHEFA (by telephone)

Mike Ranum, Chair, called the meeting order at 2:00 pm CDT. Executive Director Fick confirmed that a quorum was present.

Agenda Item I – Minutes of the May 20, 2020 Board meeting.

The first item on the Agenda is the review and consideration of the minutes of the May 20, 2020 Authority Board meeting. A motion was made by Nancy Sampair to approve the May 20, 2020 minutes. The motion was seconded by Ray Vin Zant. Chair Ranum asked if there were any questions, discussion, or changes to the minutes of the May 20, 2020 Board meeting. Board members suggested some clarifying word changes to the minutes as originally presented. The clarifications were accepted by the makers of the motion to accept the Minutes and no further discussion or questions were raised.

Chair Ranum called for a Roll Call vote regarding the approval of the minutes. A Roll Call vote was conducted, and the Board members voted as follows:

Board Members:	Gary Benson	Yes
	Mary Ives	Yes
	Mark Misukanis	Yes
	Michael Ranum	Yes
	David Rowland	Yes
	Bonnie Anderson Rons	Yes
	Nancy Sampair	Yes
	Ray Vin Zant	Yes
	Powait Yang	Yes

There were no votes against the motion and the Minutes of the May 20, 2020 Authority Board meeting were approved.

Agenda Item II – University of St. Thomas Financing Update

St. Thomas University has applied to the Authority for assistance in financing a number of projects to be constructed on the campus of the University, as well as to reimburse the University for qualified expenses on projects which qualify for reimbursement. The Authority held a public hearing on the financing at their May 20, 2020 Board meeting. The Executive Director reported that the St. Thomas financing is moving forward and that it is anticipated that there will be a final agreement between St. Thomas and the private placement bank, US Bank by mid-June. Based on an updated schedule of events, the Board will consider the Finance Plan and Series Resolution at the July 15, 2020 Authority Board meeting. The University will then close the financing in late July. Interest rates remain favorable and the University and the bank are near agreement on final terms and conditions of the financing.

Agenda Item III – Review of FY2020 Plan of Action

Chair Ranum called on Executive Director Fick to discuss the FY2020 Plan of Action and status of the Authority completion of the 15 items included in the FY2020 Plan of Action. Mr. Fick reviewed the component items of the FY2020 Plan of Action and outlined the work undertaken by Authority staff to complete the FY2020 Plan of Action items. Mr. Fick noted that the Authority staff was able to successfully complete all 15 of the items included in the FY2020 Plan of Action. The Plan of Action is used by the Board as a benchmark to determine if Authority Staff are eligible for “Achievement Awards” and the Board determines if staff performance merits awarding Achievement Award compensation.

For FY2020, the Minnesota Management and Budget suspended Achievement Awards to state employees. This suspension was ordered to conserve funds and reduce the financial effect of COVID-19 costs on state budgets. The Authority is funded by fees from borrowers. The Authority does not receive any state support nor does the Authority receive any state tax revenue or state grant funds. The Authority is fully self-funded and has operated in that manner since its inception in 1971. Regardless, as a State Agency, the Authority is subject to State rulings and as such, there is no granting of Achievement Awards for FY2020.

Board members discussed staff completion of the FY2020 Plan of Action goals and congratulated Authority staff on meeting or exceeding all of the FY2020 Plan of Action goals.

Agenda Item IV – General Salary Increases for FY 2020 and FY 2021

The Minnesota Management and Budget staff concluded negotiation of compensation adjustments for Fiscal Year 2020 and Fiscal Year 2021 with organized labor in November 2019. The compensation agreed to with organized labor is used to adjust compensation of Management staff as well. Any compensation negotiated by MMB must be affirmed or rejected by the Legislature during the next legislative session. The Minnesota House affirmed the compensation agreement negotiated by MMB. The Minnesota Senate affirmed the compensation agreement negotiated by MMB but imposed a change to the terms of the previously negotiated compensation agreement. The MMB legal analysis indicated the Minnesota Senate did not have authority to impose changes to the terms of the compensation agreement negotiated by MMB and organized labor. MMB implemented both the FY2020 compensation adjustment and FY2021 compensation adjustment for both organized labor and management staff. The Minnesota Senate did not contest the adoption of the agreed upon compensation agreements.

Authority staff recommends that the Board consider the compensation adjustment separately by year. Staff presented two resolutions to the Board. The first Resolution authorized the General Salary Increase under Managerial Plan 2019-2021 for Fiscal Year 2020. The compensation increase for FY2020 is 2.25%. The increase is effective July 1, 2019. If the Board approves the MMB negotiated increase, it would be paid retroactively in late June or early July 2020.

Chairman Ranum asked if there were any questions or discussion of the Resolution Authorizing General Salary Increase Under Managerial Plan 2019-2021 for FY2020. There were no questions or further discussion. A motion to approve the Resolution Authorizing a General Salary Increase for FY2020 was made by Ray Vin Zant. The motion was seconded by David Rowland.

Chair Ranum called for a roll call vote on the Resolution Authorizing General Salary Increase for FY2020 under Managerial Plan 2019-2021. A roll call vote was conducted, and the Board members voted as follows:

Board Members:	Gary Benson	Yes
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Bonnie Anderson Rons	Yes
Mary Ives	Yes
Mark Misukanis	Yes
Michael Ranum	Yes
David Rowland	Yes
Nancy Sampair	Yes
Ray Vin Zant	Yes

There were no votes in opposition to the Motion and the Resolution Authorizing a 2.25% salary increase for FY2020 under Managerial Plan 2019-2021 was approved.

The Board next considered the Resolution Authorizing General Salary Increase Under Managerial Plan 2019-2021 for Fiscal Year 2021. This resolution proposes adopting the MMB negotiated general compensation increase of 2.5% for Fiscal Year 2021, beginning July 1, 2020. This increase negotiated by MMB and deemed applicable to the Management Plan has been affirmed by the Minnesota Legislature. If approved, the adjustment to Authority staff compensation will become effective July 1, 2020.

Chairman Ranum asked if there were any questions or discussion of the Resolution Authorizing General Salary Increase Under Managerial Plan 2019-2021 for FY2021. There were no questions or further discussion. A motion to approve the Resolution Authorizing a General Salary Increase for FY2021 was made by Gary Benson. The motion was seconded by Nancy Sampair.

Chair Ranum called for a roll call vote on the Resolution Authorizing General Salary Increase for FY2021 under Managerial Plan 2019-2021. A roll call vote was conducted, and the Board members voted as follows:

Board Members:	Gary Benson	Yes
	Bonnie Anderson Rons	Yes
	Mary Ives	Yes
	Mark Misukanis	Yes
	Michael Ranum	Yes
	David Rowland	Yes
	Nancy Sampair	Yes
	Ray Vin Zant	Yes

There were no votes in opposition to the Motion and the Resolution Authorizing a 2.50% salary increase for FY2021 under Managerial Plan 2019-2021 was approved.

Agenda Item V – Authority Phone System Upgrade Proposal Update

As discussed at the May 20, 2020 Authority Board meeting, the Board recommended that staff obtain additional bids for a new communications system for use by the Authority. The staff reached out to additional qualified communication vendors to obtain bids from the vendor for a communication system including VOIP communication, electronic fax line, conference phone capability, video conference capability and system portability. The staff have received bids from all but one of the vendors. Staff have received presentations from 3 vendors. At this time, staff is working on a comparison evaluation of the proposals and awaiting a proposal from the final vendor.

Staff plans to present a comparison of the proposals and make a recommendation to the Board at the July 2020 Board meeting on a preferred communications system vendor.

Agenda Item VI – Fiscal Year 2021 Administrative Items

Board Chair Ranum reminded the Board that there were two administrative items deferred from the May meeting to the June Authority meeting. Those items are:

Consideration of the FY2021 Plan of Action
Initial discussion of Authority Fee for FY2021

In addition to these items, the FY2021 Administrative items include consideration of the FY2021 Proposed Budget.

Chair Ranum called on Mr. Fick to introduce and discuss the FY2021 Proposed Plan of Action. The FY21 Proposed Plan of Action was distributed to Board members as part of their Board information packet. Mr. Fick noted that the FY21 Plan of Action builds on the FY20 Plan of Action. This continues the multiple value-added services provided by the Authority to College and University borrowers. The FY21 Plan of Action proposes adding additional tasks that are expected to be long-term planning items for the Authority. These long-term planning opportunities include:

- Develop a Succession Plan for Authority Staff
- Develop a plan to identify, cultivate and recruit future Board members

- Monitor and modify as appropriate the expanded Authority Website
- Review Space needs of Authority for both future issuance expansion and future work from home options

These long-term goals are designed to continue the plan of enhancing the value of Authority services to client schools and to enhance the diversity of Authority staff and Board members as the Authority moves forward.

Chair Ranum asked if Board members had comments or questions about the FY2021 Proposed Plan of Action. Board members asked some clarifying questions and asked about timing of some of the components of the FY2021 Proposed Plan of Action. The questions were answered to the satisfaction of the Board members. Chair Ranum then asked for a motion to approve and adopt the FY2021 Proposed Plan of Action was made by Nancy Sampair. The motion was seconded by Bonnie Anderson Rons.

Chair Ranum called for a roll call vote on the approval and adoption of the FY2021 Proposed Plan of Action. A roll call vote was conducted, and the Board members voted as follows:

Board Members:	Gary Benson	Yes
	Bonnie Anderson Rons	Yes
	Mary Ives	Yes
	Mark Misukanis	Yes
	Michael Ranum	Yes
	David Rowland	Yes
	Nancy Sampair	Yes
	Ray Vin Zant	Yes

There were no votes in opposition to the Motion and the FY2021 Proposed Plan of Action was approved and adopted.

The next item was introduction of the FY2021 Proposed Budget. The Chair called on Amanda Lee to introduce and discuss the FY21 Budget. Ms. Lee reviewed the projected income and line item expenses projected for FY2021. Projecting income is challenging due to the uncertainty of the economic effect of COVID-19 on college budgets and their capital spending. There are two financing applications that have been submitted to the Authority but are currently in suspension at the request of the submitting school. It is anticipated those will be reviewed later in calendar 2021.

As of the June Authority meeting, staff estimates that 1 financing will be completed in FY21. That is the financing for the University of St. Thomas which is currently in process and expected to be completed in July 2020. Interest income for FY21 is likely to be reduced compared to prior years as reinvestment rates on Certificates of Deposit that will mature in FY21 will be substantially lower than the rates currently in place. This is due to the overall reduction in interest rates.

Expenses have been adjusted for FY21 to reflect reduced travel costs. FY21 is the 50th anniversary of the beginning of the Authority and the budget includes some funding for commemorative items and possible expanded Annual Conference costs. The annual Authority Finance Conference may need to be held in a different location depending on the availability of the Venue space in Cray Plaza. The building was sold during early 2020 and the new owners have announced plans to convert the office space to alternative use. The timing of any changes to the building use is uncertain and likely to be affected by COVID-19 considerations.

The proposed FY21 budget includes a line item for assistance from a legal firm to navigate and assist with the effort to obtain a change to the Authority Authorizing statutes to include issuance of financing for healthcare and senior living facilities. This item would be repaid to the fund balance upon eventual success of the expansion effort. The proposed fee for this effort in FY21 is the same as included in the FY2020 budget.

Based on the FY2021 Proposed Budget, the Authority expects to incur a cash deficit for FY21. The Authority has sufficient liquid assets to absorb the projected deficit.

Chair Ranum asked if the Board had any questions about the FY21 Proposed Budget. Board members asked questions about individual line items and their questions were answered to their satisfaction by Ms. Lee.

Chair Ranum and the Board determined that evaluating the FY2021 Proposed Authority Fee before adopting the FY2021 Proposed Budget would be wise. Chair Ranum asked Operations Manager, Amanda Lee, to continue on to review the next agenda item, the FY2021 Proposed Authority Fee prior to voting on the FY2021 Proposed Budget.

Ms. Lee noted that the Authority may legally charge a maximum fee to borrowers of 1/8 of 1% (0.00125) annually. The Authority has regularly charged less than the maximum fee. The goal of the

Authority for the past few years has been to charge a “breakeven” fee, where the fee will cover the operating and capital expenses of the Authority and not generate either a material surplus or deficit measured on a cash basis. In addition, the Authority tries to keep the fee at a consistent level from year to year. This provides planning consistency for borrowers and allows them to make multi-year budgets for payment of Authority fees.

A chart was provided to Board members showing the historic fee discount. The Authority has been able to gradually reduce the fee charged borrowers and maintain the fee level for the past 11 years. The current fee discount is 65%. That discount rate has been in place since FY2013.

For FY21, the Authority proposes to keep the discount rate at the same 65%. This will represent the longest period that the Authority has been able to maintain a consistent fee level. The Authority prepared a schedule showing what the effect on Authority net operations are projected to be under different discount levels. Based on projected income and expenses, a fee discount of 59% would result in a break-even cash flow for FY21. The Authority proposed fee discount of 65% results in a slight deficit projected for FY21 but maintains the same level of discount for college planning purposes.

Chair Ranum asked if the Board had any questions about the FY21 Proposed Fee Discount. Board members asked a number of questions about the effect of varying discount levels and discussed the rationale for various fee discount structures. Board member Paul Cerkenik noted that in his capacity as President of the Minnesota Private College Council, their member schools have expressed an appreciation for consistency in Authority fee levels.

After all questions were asked and answered, Chair Ranum then asked for a motion to approve and adopt the FY2021 Proposed Budget. The motion was made by Ray Vin Zant. The motion was seconded by Mary Ives.

Chair Ranum called for a roll call vote on the approval and adoption of the FY2021 Proposed Budget. A roll call vote was conducted, and the Board members voted as follows:

Board Members:	Gary Benson	Yes
	Bonnie Anderson Rons	Yes
	Mary Ives	Yes
	Mark Misukanis	Yes
	Michael Ranum	Yes

David Rowland	Yes
Nancy Sampair	Yes
Ray Vin Zant	Yes

There were no votes in opposition to the Motion and the FY2021 Proposed Budget was approved and adopted.

Chair Ranum then asked for a motion to approve and adopt the FY2021 Proposed Fee Discount. The motion was made by Nancy Sampair. The motion was seconded by Ray Vin Zant. Chair Ranum called for a roll call vote on the approval and adoption of the FY2021 Proposed Annual Fee Discount. A roll call vote was conducted, and the Board members voted as follows:

Board Members:	Gary Benson	Yes
	Bonnie Anderson Rons	Yes
	Mary Ives	Yes
	Mark Misukanis	Yes
	Michael Ranum	Yes
	David Rowland	Yes
	Nancy Sampair	Yes
	Ray Vin Zant	Yes

There were no votes in opposition to the Motion and the FY2021 Proposed Annual Fee Discount was approved and adopted.

Agenda Item VII – Old Business

Chair Ranum asked Mr. Fick to update the Board on any old business. Mr. Fick proceeded to provide an update on the issuance expansion legislation introduced by the Authority in the 2020 Minnesota Legislative Session. Mr. Fick noted that the Authority, with the assistance of our legislative guides had obtained bi-partisan sponsorship from both the Minnesota House and Senate. The Bill was delayed at the beginning of the session as the Revisor of Statutes wanted to make sure the language in the bill related to health care and senior living was consistent with other existing Minnesota language and definitions of healthcare and senior living projects.

Executive Director Fick and Doug Carnival of McGrann Shea met with a number of legislators and the bill was making good progress. The sudden change in legislative plans as a result of the Governor's

Executive Orders that were the result of COVID-19 Pandemic challenges put a halt to all legislative efforts for a period of weeks. Only bills that dealt directly with COVID-19 relief were considered by the legislature. As a result, our initiative has been delayed until the next legislative session. We plan to work closely with our consultant and communicate with legislators during the fall and winter leading up to the 2021 legislative session and move the legislation forward in the next legislative session, depending on how COVID-19 affects the legislature.

Chair Ranum asked Mr. Fick to update the Board on the Financial Advisory Services for the Authority. Mr. Fick noted that the current Municipal Advisor (“MA”) for the Authority, Baker Tilly Municipal Advisors, LLC, is under contract as the MA to the Authority through September 30, 2020. The Authority expects to issue a Request for Proposal (“RFP”) to distribute to MA’s in September 2020. There will be additional information about the form of the RFP at the July 2020 Authority meeting.

There was no other Old Business for discussion.

Agenda Item VIII – New Business

Chair Ranum asked Mr. Fick to discuss the Reinvestment of Authority Funds. Mr. Fick noted that the current interest rate paid by commercial banks on Certificates of Deposit is substantially lower than the rate received in the past two years. It appears that rates on Certificates of Deposit from Credit Unions or other types of Banks are substantially higher than available from Commercial banks. Authority staff is going to explore investment options for Authority funds that will comply with State statutes governing investment of State Agency funds and that provide guarantees safety of principal. Staff will report back to the Board at a future meeting on the result of the analysis. The Authority staff will work with the Attorney General’s staff to ensure compliance with Minnesota law governing investment of funds.

There was no other New Business for Discussion.

Agenda Item IX – Other Business

Chair Ranum called upon Executive Director Fick to discuss Other Business. Mr. Fick presented his Executive Director’s report. It included the following items regarding staff and Authority activity and events and personnel changes at the schools.

We continue to function in accord with State of Minnesota “if you can work from home you must work from home” mandate. We make separate occasional visits to the office, including for the June 17, 2020 Board Meeting.

We have developed a “COVID-19 Preparedness Plan”, also known generically as a “Return to Work Plan” that we are reviewing for presenting to you in July. The plan is based on a Template from the Minnesota Department of Health and MMB. The plan is not required to be approved by MMB before an Agency returns staff to the office, but MMB must be informed of the existence of a Plan. We continue to work from home for the foreseeable future as requested by MMB, so we do not need to finalize the plan at this time.

There continues to be changes to management at a number of schools, including:

- Macalester’s new President, Dr. Suzanne Rivera started in May 2020
- Bethel’s new President, Ross Allen starts July 1, 2020
- St. Benedict’s interim President, Laurie Hamen, J.D. begins July 1, 2020
- St. Scholastica has a new Director of Finance, Jill Larson began in May 2020
- Carleton has a new CFO, Eric Runestad who begins July 1, 2020

The recommendation to reappoint the incumbent Board members to their positions was submitted to the Governor’s office in March. The schedule provided to us by the Governor’s office showed that our Board positions are scheduled to be considered by the Governor in May. I received a call from the Governor’s staff person in charge of appointment and she told me that the Governor has agreed with our recommendation and he has reappointed Mary Ives and Ray Vin Zant to the Board. Additional administrative items include updates to our 2020-2022 Affirmative Action Plan, to be presented to the Board at the July meeting. We are updating the Internal Controls Report as well.

The FY2020 audit is scheduled for August 24-25. It is likely to be a virtual audit, facilitated by our transition to Quick Books, which allows the audit team from BerganKDV to download files and accounting records remotely. They will need original documents for their audit, but many of those are in electronic form at MHEFA computers, making providing those documents easier for audit purposes.

We have a number of Moody’s calls with schools over the next two weeks to go along with the Moody’s calls that have already taken place. In addition, Moody’s continues to monitor the financial compliance of a couple of schools with financial covenants.

At the conclusion of the Executive Directors report, Chair Ranum entertained a motion to adjourn the general meeting before opening an Executive Session of the Authority Board. A motion to adjourn as made by Nancy Sampair and seconded by Ray Vin Zant. The Board then voted by voice vote to adjourn at 3:37 pm, CDT.

Members of the public (of which there were none) were asked to drop off the call. The purpose of the Executive Session is for the Board to conduct a performance review of the Executive Director and to review the updated Executive Director's Job Description. Prior to discussing Executive Session topics, the Board excused both the Executive Director and Operations Manager from the meeting.

The Board undertook an independent review of the job performance of the Executive for the Fiscal Year 2020. The Board reviewed the self-assessment Annual Employee Performance Review prepared by the Executive Director.

At the conclusion of the Board's discussion of the Executive Director's job performance for Fiscal Year 2020, the Chair asked for motion to approve the Annual Employee Performance Review of the Executive Director. A motion was made by Gary Benson to approve and agree with the self-assessment of the Executive Director for Fiscal Year 2020. The motion was seconded by Nancy Sampair. The Board voted on the motion by voice vote. All members voted in favor of the motion.

The Board also reviewed the updated job description for the Executive Director. After discussing the updates, the Board agreed with the updated job description and had no additional changes to the job description.

At the conclusion of the Board's discussion, Executive Director Fick and Operations Manager Lee were invited to rejoin the meeting. The Board Chair informed the Executive Director of the result of the Board's review of the Executive Director's job performance and the updated Executive Director's job description.

The Board unanimously approved adjourning the Executive Session at 4:30 pm.

Respectfully submitted,

Assistant Secretary

July 8, 2020

Mr. Michael Ranum, Chair
Mr. Barry W. Fick, Executive Director
Members of the Authority
Minnesota Higher Education Facilities Authority
380 Jackson Street, Suite 450
Saint Paul, MN 55101

Re: Revenue Refunding Note, Series 2020A and Revenue Note, Series 2020B (University of St. Thomas)

Dear Mr. Ranum, Mr. Fick, and Authority Board Members:

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Enclosed is the Preliminary Financing Plan for the Notes described above for the benefit of the University of St. Thomas (the "University"). The Preliminary Financing Plan represents our understanding of the financing based on the most current discussions with the College, the Authority, and U.S. Bank National Association ("USB"), the purchaser of the Notes

We are continuing to work with the University and other finance team members to refine maturity schedules and make a determination about other parameters for the Notes. Therefore, the debt service schedules and the Preliminary Financing Plan should be considered as being subject to change.

A Baker Tilly representative will be present at the Authority's meeting on July 15, 2020 to review the Preliminary Financing Plans and respond to questions.

Respectfully submitted,



Baker Tilly Municipal Advisors by
Elizabeth Bergman, Director

Enclosures:

cc: Ms. Carol Peterfeso, w/enclosures

PRELIMINARY FINANCING PLAN
MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY
\$9,610,000*
REVENUE REFUNDING NOTE, SERIES 2020A
(University of St. Thomas)

And

\$9,135,000*
REVENUE NOTE, SERIES 2020B
(University of St. Thomas)

July 15, 2020

This Preliminary Financing Plan represents Baker Tilly Municipal Advisors, LLC's ("Baker Tilly") summary based on the most recent discussions with the University of St. Thomas (the "University"), the Minnesota Higher Education Facilities Authority (the "Authority"), and U.S. Bank National Association ("USB"), the direct purchase bank for the Series 2020A Note and Series 2020B Note, together the "Notes". As of the date of this Financing Plan, the University has agreed to rates for each Series of Notes, although details such as principal maturity schedules, may be revised. Accordingly, the structure outlined herein is preliminary and subject to revision prior to the purchase of the Notes by USB.

Issuer: Minnesota Higher Education Facilities Authority (the "Authority").

Borrower: The University of St. Thomas (the "University").

Purpose of the Issues: The University will use the Note proceeds as such:

- (1) Series 2020A Note proceeds will refund on a current refunding basis the University's outstanding Series 2017C Note (the "Series 2017C Note" or "Series 2017C").
- (2) Series 2020B Note will be used to pay for costs related to the improvement, renovation of and upgrades to the Ireland Residence Hall and the Child Development Center/Center for Well-Being, all located on the University's Saint Paul campus (the "Project") and to pay issuance costs for both series of Notes.

* *Preliminary; subject to change.*

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Minnesota Higher Education Facilities Authority
Revenue Refunding Note, Series 2020A, (University of St. Thomas)
Revenue Note, Series 2020B (University of St. Thomas)
Preliminary Financing Plan
Dated: July 15, 2020
Page 2

Issue Size: The Series 2020A Note will be sized at \$9,610,000, sufficient to gross fund the current refunding of the Series 2017C Note. USB has agreed to waive costs of redemption of the Series 2017C Note.

The Series 2020B Note will be sized at \$9,135,000, sufficient to fund the costs of the Project, and to pay issuance costs for both series of Notes.

The total par of Series 2020A and 2020B Notes is less than the Authority's not-to-exceed size of \$30 million.

Costs of Issuance: Costs of issuance of up to 2% of the par value of the Notes may be funded with proceeds of the Notes. Actual costs of issuance are not expected to exceed 2% of the par amount of the Notes. Should the costs of issuance do so, the University will be responsible for funding any excess from its own sources.

Type of Sale and Purchaser: Bank direct purchase. The University has selected USB as the sole purchaser of the Notes.

The Series 2020A Note and Series 2020B Note will be issued as tax-exempt bank direct purchase fixed rate notes.

Pricing Date: June 26, 2020.

Closing/Delivery Date: July 17, 2020.

TIC (True Interest Cost): The University has opted for a fixed rate mode for the Notes. The rates were locked-in as of June 26, 2020, at 1.84% for the Series 2020A Note and 1.79% for the Series 2020B Note. These rates will be fixed to the mandatory tender date, which will be June 1, 2027. These rates are subject to adjustment in the event of a determination of taxability, or if the Federal corporate tax rate changes.

Note Denominations: Note denominations for Series 2020A will be the same as for the refunded Series 2017C, which are a minimum of \$100,000 or greater in increments of \$10,000. Note denominations for Series 2020B will be based on a mortgage type amortization, rounded to the nearest \$5,000.

Interest Payments: Monthly beginning September 1, 2020.

Principal Payments: Annually beginning on October 1, 2020 for the Series 2020A Note and October 1, 2021 for the Series 2020B Notes, both series have a mandatory tender date of June 1, 2027.

Note Structure: Both Series of Notes will be structured with annual principal payments. The Series 2020A Note principal repayment schedule mirrors the principal amortization of the refunded Series 2017C, with the final principal payment on October 1, 2032. The Series 2020B Note will amortize over a 10-year period with mortgage style principal amortization rounded to the nearest \$5,000 and the final principal payment for the Series 2020B Note will be on October 1, 2030.

Redemption: Optional: The University may prepay either or both of Series 2020A or 2020B Notes annually in an amount not to exceed 10% of the outstanding Note balance without penalty.

Extraordinary Upon Determination of Taxability: Optional redemption may occur upon a Determination of Taxability of either of the Notes, in whole, at a price of par plus accrued interest.

Extraordinary Upon Damage, Destruction, or Condemnation: Optional redemption may occur should the financed project facilities suffer damage, destruction, or condemnation, in whole, at a price of par plus accrued interest.

Mandatory Tender: The Notes will be subject to mandatory tender on June 1, 2027, at which time the University and USB have the option to renegotiate and extend the term of either of the Notes, or the University may redeem the outstanding balance of either or both series of Notes with University funds or refinance the outstanding principal into another debt instrument.

Rating: The Notes will not be rated by a credit rating agency. Moody's Investors Service ("Moody's") has assigned a credit rating of A2 with a stable outlook to the University's outstanding debt. The rating was most recently affirmed on May 3, 2019 in connection with the issue of the Series 2019 Bonds of the University.

Bank Qualification: The Notes will not be designated as a "qualified tax-exempt obligation."

Security: The University's full faith and credit are pledged to the repayment of the Notes, with a covenant to set tuition and fees sufficient to make the required Loan Repayments and pay operating expenses and other University obligations.

Debt Service Reserve Account: A debt service reserve fund will not be required for the Notes.

Financial Covenants:	<p>The following updates will be included for the Notes and made applicable to the ongoing financial covenants for other University private placement debt:</p> <ol style="list-style-type: none">1. The addition of a <u>Minimum Liquidity Covenant</u> where Available Cash and Investments (as per the University's current calculation) to Total Debt cannot be less than 1.00x. If the University fails to meet this covenant, but has a Debt to Net Assets Ratio of .45 to 1.00 and a Fixed Charge Coverage Ratios of at least 1.1 to 1.0, they will be considered in compliance2. Removal of the <u>Minimum Debt to Net Assets Ratio</u>: the University shall achieve a Debt to Net Assets Ratio, as of the end of each fiscal year of the University of not greater than 0.85 to 1.00.
Continuing Disclosure:	<p>Based on the minimum denomination of \$100,000 and no more than 35 holders, Continuing Disclosure is not required for the financing of the Notes. The University has entered into Continuing Disclosure undertakings with regard to previous of its debt and is thus familiar with reporting requirements.</p> <p>To maintain transparency with its existing bondholders, the University expects to post a redacted version of the Continuing Covenant Agreement for the Notes on the MSRB's EMMA disclosure website following closing of the transaction.</p> <p>If the Notes should in the future qualify for continuing disclosure, the University will comply with any Continuing Disclosure obligations.</p>
Credit Enhancement:	<p>None.</p>
Trustee:	<p>None required for the financing. If USB sells all or part if its interest to other participants, in order to effectively manage ongoing payments and noteholder recordkeeping, a "springing" paying agent and registrar will be appointed.</p>
Permitted Investments:	<p>Investments as permitted by Minnesota statutes.</p>

Potential Impacts
Resulting from
Coronavirus
(COVID-19)

On March 11, 2020, the World Health Organization proclaimed the Coronavirus (COVID-19) to be a pandemic. In an effort to lessen the risk of transmission of COVID-19, the United States government, state governments, local governments and private industries have taken measures to limit social interactions in an effort to limit the spread of COVID-19, affecting business activities and impacting global, state and local commerce and financial markets.

The continued impact of COVID-19 on social interaction, travel, economies, and financial markets may adversely affect University finances and operations. It may materially adversely affect (i) the ability of the University to conduct its operations and/or may materially adversely affect the cost of operations and the revenues generated thereby, and (ii) the returns on and value of the University's investment portfolio. The full impact of COVID-19 and the scope of any adverse impact on University finances and operations cannot be fully determined at this time.

The University continues to carefully monitor developments and the directives of federal, state, and local officials to determine what additional precautions and procedures may need to be implemented by the University in response to the pandemic. In light of the unknown risks associated with COVID-19, it is impossible to predict the economic effects upon the University as a result of COVID-19.

Schedules:

Exhibit A: Estimated debt service on the combined Notes and separate debt schedules for Series 2020A and Series 2020B.

Exhibit B: The University's existing debt service and projected future debt service for the Notes.

EXHIBIT A
\$18,745,000

Minnesota Higher Education Facilities Authority (University of St. Thomas)
Revenue Refunding Note, Series 2020A
Revenue Note, Series 2020B

DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I
06/30/2021	595,000.00	1.840%	289,553.92	884,553.92
06/30/2022	1,455,000.00	1.811%	311,824.56	1,766,824.56
06/30/2023	1,500,000.00	1.811%	284,927.20	1,784,927.20
06/30/2024	1,535,000.00	1.811%	257,332.84	1,792,332.84
06/30/2025	1,575,000.00	1.812%	229,040.64	1,804,040.64
06/30/2026	1,615,000.00	1.812%	200,020.00	1,815,020.00
06/30/2027	1,655,000.00	1.812%	170,270.88	1,825,270.88
06/30/2028	1,695,000.00	1.812%	139,793.16	1,834,793.16
06/30/2029	1,740,000.00	1.813%	108,527.36	1,848,527.36
06/30/2030	1,785,000.00	1.813%	76,441.84	1,861,441.84
06/30/2031	1,825,000.00	1.813%	43,597.16	1,868,597.16
06/30/2032	870,000.00	1.840%	21,896.00	891,896.00
06/30/2033	900,000.00	1.840%	5,520.00	905,520.00
Total	\$18,745,000.00	-	\$2,138,745.56	\$20,883,745.56

SIGNIFICANT DATES

Dated Date.....	7/17/2020
Delivery Date.....	7/17/2020
First Coupon Date.....	9/01/2020

Yield Statistics

Bond Year Dollars.....	\$117,688.14
Average Life.....	6.278 Years
Average Coupon.....	1.8172992%
Net Interest Cost (NIC).....	1.8172992%
True Interest Cost (TIC).....	1.8240154%
Bond Yield for Arbitrage Purposes.....	1.8240154%
All Inclusive Cost (AIC).....	1.9454127%

IRS Form 8038

Net Interest Cost.....	1.8172992%
Weighted Average Maturity.....	6.278 Years

\$9,610,000

Minnesota Higher Education Facilities Authority
Revenue Refunding Note, Series 2020A
(University of St. Thomas)

DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I
06/30/2021	595,000.00	1.840%	146,931.15	741,931.15
06/30/2022	615,000.00	1.840%	158,332.00	773,332.00
06/30/2023	640,000.00	1.840%	146,709.36	786,709.36
06/30/2024	660,000.00	1.840%	134,688.04	794,688.04
06/30/2025	685,000.00	1.840%	122,237.32	807,237.32
06/30/2026	710,000.00	1.840%	109,326.68	819,326.68
06/30/2027	735,000.00	1.840%	95,956.04	830,956.04
06/30/2028	760,000.00	1.840%	82,125.32	842,125.32
06/30/2029	785,000.00	1.840%	67,834.68	852,834.68
06/30/2030	815,000.00	1.840%	53,022.68	868,022.68
06/30/2031	840,000.00	1.840%	37,720.00	877,720.00
06/30/2032	870,000.00	1.840%	21,896.00	891,896.00
06/30/2033	900,000.00	1.840%	5,520.00	905,520.00
Total	\$9,610,000.00	-	\$1,182,299.27	\$10,792,299.27

SIGNIFICANT DATES

Dated Date.....	7/17/2020
Delivery Date.....	7/17/2020
First Coupon Date.....	9/01/2020

Yield Statistics

Bond Year Dollars.....	\$64,255.39
Average Life.....	6.686 Years
Average Coupon.....	1.8400002%
Net Interest Cost (NIC).....	1.8400002%
True Interest Cost (TIC).....	1.8470548%
Bond Yield for Arbitrage Purposes.....	1.8240154%
All Inclusive Cost (AIC).....	1.8470548%

IRS Form 8038

Net Interest Cost.....	1.8400002%
Weighted Average Maturity.....	6.686 Years

\$9,135,000

Minnesota Higher Education Facilities Authority
Revenue Note, Series 2020B
(University of St. Thomas)

DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I
06/30/2021	-	-	142,622.77	142,622.77
06/30/2022	840,000.00	1.790%	153,492.56	993,492.56
06/30/2023	860,000.00	1.790%	138,217.84	998,217.84
06/30/2024	875,000.00	1.790%	122,644.80	997,644.80
06/30/2025	890,000.00	1.790%	106,803.32	996,803.32
06/30/2026	905,000.00	1.790%	90,693.32	995,693.32
06/30/2027	920,000.00	1.790%	74,314.84	994,314.84
06/30/2028	935,000.00	1.790%	57,667.84	992,667.84
06/30/2029	955,000.00	1.790%	40,692.68	995,692.68
06/30/2030	970,000.00	1.790%	23,419.16	993,419.16
06/30/2031	985,000.00	1.790%	5,877.16	990,877.16
Total	\$9,135,000.00	-	\$956,446.29	\$10,091,446.29

SIGNIFICANT DATES

Dated Date..... 7/17/2020
Delivery Date..... 7/17/2020
First Coupon Date..... 9/01/2020

Yield Statistics

Bond Year Dollars..... \$53,432.75
Average Life..... 5.849 Years
Average Coupon..... 1.7900001%

Net Interest Cost (NIC)..... 1.7900001%
True Interest Cost (TIC)..... 1.7966747%
Bond Yield for Arbitrage Purposes..... 1.8240154%
All Inclusive Cost (AIC)..... 2.0631990%

IRS Form 8038

Net Interest Cost..... 1.7900001%
Weighted Average Maturity..... 5.849 Years

EXHIBIT B

UNIVERSITY OF ST. THOMAS CURRENT AND PROJECTED DEBT SERVICE AND COVERAGE

Fiscal Year	Existing DS	Refunding of Series 2017C	Estimated 2020A	Estimated 2020B	Estimated New DS	Difference in DS
2020	17,317,627	0	0	0	17,317,627	0
2021	19,690,564	(677,330)	741,931	142,623	19,897,789	207,224
2022	20,205,206	(725,366)	773,332	993,493	21,246,665	1,041,458
2023	19,457,121	(742,414)	786,709	998,218	20,499,635	1,042,513
2024	19,703,269	(754,423)	794,688	997,645	20,741,179	1,037,910
2025	19,825,032	(770,654)	807,237	996,803	20,858,419	1,033,387
2026	18,266,899	(786,814)	819,327	995,693	19,295,105	1,028,206
2027	18,395,647	(802,658)	830,956	994,315	19,418,259	1,022,613
2028	16,812,827	(818,331)	842,125	992,668	17,829,289	1,016,462
2029	16,962,237	(833,395)	852,835	995,693	17,977,369	1,015,132
2030	17,122,983	(853,257)	868,023	993,419	18,131,168	1,008,185
2031	17,300,712	(867,770)	877,720	990,877	18,301,539	1,000,827
2032	15,749,672	(886,966)	891,896	0	15,754,602	4,930
2033	15,771,357	(905,719)	905,520	0	15,771,158	(199)
2034	13,946,158	0	0	0	13,946,158	0
2035	13,941,100	0	0	0	13,941,100	0
2036	13,938,325	0	0	0	13,938,325	0
2037	13,945,200	0	0	0	13,945,200	0
2038	13,942,200	0	0	0	13,942,200	0
2039	8,822,400	0	0	0	8,822,400	0
2040	5,797,375	0	0	0	5,797,375	0
2041	5,792,375	0	0	0	5,792,375	0
2042	5,796,200	0	0	0	5,796,200	0
2043	5,795,500	0	0	0	5,795,500	0
2044	5,796,400	0	0	0	5,796,400	0
2045	5,793,600	0	0	0	5,793,600	0
2046	0	0	0	0	0	0
2047	0	0	0	0	0	0
2048	0	0	0	0	0	0
2048	0	0	0	0	0	0
2049	0	0	0	0	0	0
2050	0	0	0	0	0	0
Total:	365,887,987	(10,425,096)	10,792,299	10,091,446	376,346,637	10,458,649

RESOLUTION RELATING TO FINANCING TERMS
FOR UNIVERSITY OF ST. THOMAS

Be It Resolved by the Minnesota Higher Education Facilities Authority as follows:

1. This Authority has received and held a public hearing with respect to, and adopted a Resolution Relating to Application for the University of St. Thomas, a Minnesota nonprofit corporation (the “University”), as owner and operator of the University of St. Thomas (the “Institution”), to finance costs of a project (the “Project”) consisting of (a) the acquisition, design, construction, renovation, improvement and equipping of various facilities, including (i) renovation of John Ireland Hall, a 44,000 square foot student residence hall originally constructed in 1912, including modernization, technology and security upgrades, a new roof, a new elevator, new windows, and reconfiguration of interior space, and (ii) renovation of the Center for Well Being, a 20,000 square foot existing building, to facilitate an integrated counseling, psychological and health services model for University students, faculty and staff, including interior demolition and buildout of examination, counseling, therapy and education rooms, medical support space, and staff offices; and (b) the refunding of the Authority’s outstanding Revenue Refunding Note, Series 2017C (University of St. Thomas), dated December 29, 2017, issued in the original principal amount of \$10,815,000 (the “Series 2017C Note”).

The Series 2017C Note was issued to provide funds to finance the refunding of the Authority’s outstanding Revenue Bonds, Series Seven-P (University of St. Thomas), dated May 30, 2012, issued in the original principal amount of \$12,300,000 (the “Series Seven-P Bonds”). The Series Seven-P Bonds were issued to provide funds to finance the refunding of the Authority’s outstanding Variable Rate Demand Revenue Bonds, Series Six-H (University of St. Thomas) dated February 16, 2006, issued in the original principal amount of \$12,300,000 to finance the construction, equipping and furnishing of McNeely Hall, an approximately 73,000 square foot undergraduate business building.

All the facilities and improvements to be financed or refinanced by the Project are sometimes collectively referred to as the “Project Facilities.” The Project Facilities are or will be owned and operated by the University and located on the Institution’s main campus, the principal street address of which is 2115 Summit Avenue, Saint Paul, Minnesota.

2. The Authority has received assurances that all other conditions to be met by the University as provided in the Resolution referenced above (the “Resolution”) have been, or will be timely, met and complied with.

3. There has not been disclosed to the Authority any material adverse change in the financial condition, operations or status of the University or the Institution or in the Project or the Project Facilities or otherwise relating to the said Application that would affect the Resolution or the financing of the Project as proposed.

4. The Authority hereby ratifies and confirms all action heretofore taken with respect to the Application of the University.

5. As provided by the Resolution, Baker Tilly Municipal Advisors, LLC, as municipal advisor to the Authority, has reviewed the terms set forth in the Preliminary Financing Plan, dated July 15, 2020 (the “Financing Plan”), recommending the issuance and sale of a Revenue Refunding Note, Series 2020A (University of St. Thomas), and a Revenue Note, Series 2020B (University of St. Thomas), in the maximum aggregate principal amount of \$18,745,000 (together, the “Series 2020A/B Notes”) to provide financing for the Project, which terms are hereby approved.

6. At the request and with the consent of the University, and with the advice of the Authority’s municipal advisor, the Executive Director of the Authority has recommended the selection of U.S. Bank National Association to purchase the Series 2020A/B Notes (the “Purchaser”).

7. Upon the recommendation of the Authority’s municipal advisor and bond counsel and the approval of the University, the Executive Director may execute and deliver on behalf of the Authority an agreement or agreements whereby the Authority agrees to sell and the Purchaser agrees to purchase the Series 2020A/B Notes in an aggregate principal amount not to exceed \$18,745,000, with a maximum initial interest rate on each of the Series 2020A/B Notes not to exceed 5% and with a purchase price of not less than 98% of the principal amount of the Series 2020A/B Notes plus accrued interest (or in the alternative, providing for underwriting compensation of not more than 2% of the principal amount of the Series 2020A/B Notes plus accrued interest), all subject to the terms and conditions set forth herein.

8. The Executive Director shall direct bond counsel to the Authority or other legal counsel to prepare for review by the Executive Director, the University and the Purchaser all necessary bond documents, including a Loan and Note Purchase Agreement and all other documents deemed necessary or desirable consistent with the provisions of the Financing Plan and substantially similar to the bond documents for revenue notes most recently issued and sold by the Authority, but with appropriate changes.

9. No official statement shall be prepared, and no application for registration of the Series 2020A/B Notes shall be filed under Minnesota Securities Act, Chapter 80A. A Private Placement Memorandum may be prepared upon the recommendation of the municipal advisor and bond counsel with approval of the University, and an Investment Letter shall be obtained from the Purchaser which evidences that the sale and purchase of the Series 2020A/B Notes is exempt from federal and state securities laws and which may cover other customary matters.

10. Notwithstanding the foregoing provisions, the Series 2020A/B Notes shall not be issued and delivered and the bond documents shall not be executed and delivered without the further action and approval and adoption of a Series Resolution with respect to the Series 2020A/B Notes by the Authority.

11. The Authority and the University each respectively reserves its right to terminate the Project and the financing thereof under the Act as provided in the Indemnity Agreement.

[Signature page follows.]

Adopted: July 15, 2020

MINNESOTA HIGHER EDUCATION
FACILITIES AUTHORITY

By _____
Michael D. Ranum, Chair

By _____
Gary D. Benson, Secretary

1235931.DOC

SERIES RESOLUTION

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

REVENUE REFUNDING NOTE, SERIES 2020A (UNIVERSITY OF ST. THOMAS)

and

REVENUE NOTE, SERIES 2020B (UNIVERSITY OF ST. THOMAS)

BE IT RESOLVED by the Minnesota Higher Education Facilities Authority, as follows:

1. Pursuant to the resolutions adopted on May 20 and July 15, 2020 (the “Prior Resolutions”), the Authority has (i) approved the Application of the University of St. Thomas, a Minnesota nonprofit corporation (the “University”), as owner and operator of the University of St. Thomas (the “Institution”), to finance a project (the “Project”) consisting of (a) the acquisition, design, construction, renovation, improvement and equipping of various facilities, including renovation of John Ireland Hall and renovation of the Center for Well Being, as more fully described therein, and (b) the refunding of the Authority’s outstanding Revenue Refunding Note, Series 2017C (University of St. Thomas), as more fully described therein, (ii) conducted a public hearing in connection therewith in accordance with law, (iii) authorized the issuance and sale of (a) the Authority’s Revenue Refunding Note, Series 2020A (University of St. Thomas) (the “Series 2020A Note”) and (b) the Authority’s Revenue Note, Series 2020B (the “Series 2020B Note,” and together with the Series 2020A Note, the “Notes”), and (iv) directed preparation of documents, including a Loan and Note Purchase Agreement. All provisions and findings of the Prior Resolutions are hereby ratified and confirmed except to the extent amended hereby and incorporated herein.

2. The Prior Resolutions authorized the Notes to be issued in the maximum aggregate principal amount of \$18,745,000. The University has requested that the Notes be issued as one or more series of notes in an aggregate principal amount not to exceed \$18,745,000, the interest on which will be excluded from gross income of the bondholders pursuant to the Internal Revenue Code of 1986, as amended (the “Code”).

3. The forms of the following documents relating to the Notes have been prepared or reviewed by McGrann Shea Carnival Straughn & Lamb, Chartered, as bond counsel, and are on file with the Authority:

(a) Loan and Note Purchase Agreement (“Loan Agreement”) among the Authority, the University and U.S. Bank National Association, as purchaser (the “Purchaser”), expected to be dated as of July 1, 2020.

(b) Assignment of Loan Repayments and Rights (“Assignment”) from the Authority to the Purchaser, expected to be dated as of July 1, 2020.

(c) Continuing Covenant Agreement between the University and the Purchaser, expected to be dated as of July 1, 2020.

4. On May 20, 2009, the Authority adopted the Policy on Private Placement Financing. The proposed Loan Agreement and the issuance and sale of the Notes substantially comply with the general guidelines of the Policy, and the University wishes the Authority to sell the Notes in a private placement as permitted by the Policy.

5. The Project and the issuance of the Notes of the Authority in an aggregate principal amount up to \$18,745,000 are therefore approved, subject to the following:

(a) The final maturity of the Series 2020A Note shall not be later than October 1, 2032, and the final maturity of the Series 2020B Note shall not be later than October 1, 2030; the aggregate principal amount of the Notes shall not exceed \$18,745,000; the maximum initial interest rate borne by the Series 2020A Note shall not exceed 5%, and the maximum initial interest rate borne by the Series 2020B Note shall not exceed 5%, with the interest rate borne by each Note determined from time to time as provided in such Note; each of the Notes shall be subject to initial mandatory tender on July 1, 2027, and may be subject to mandatory tender thereafter; and the aggregate purchase price shall be not less than 98% of the principal amount of the Notes plus accrued interest, if any (or in the alternative providing for an origination fee of not more than 2% of the principal amount of the Notes plus accrued interest).

(b) No Official Statement shall be prepared, no application for registration of the Notes shall be filed under the Minnesota Securities Act, Chapter 80A and no trustee shall be selected.

(c) The Authority and the University each respectively reserves its right to terminate the Project and the financing thereof under the Act as provided in the Indemnity Agreement.

This Authority hereby authorizes the issuance and delivery of the Notes and no further approval by this Authority is required.

6. The Chair, the Secretary and any officer authorized to act on behalf of the Chair or the Secretary are each, acting individually, authorized to execute, seal and deliver counterparts of the Loan Agreement and the Assignment, duly completed, for and in the name of the Authority, with all such changes and insertions therein as the officer executing the same shall approve, such approval to be evidenced conclusively by such officer's signature.

7. The Notes shall be in substantially the form set forth in the Loan Agreement, and when printed in typeset or typewritten form shall be executed, sealed and delivered by the manual or facsimile signatures of the Chair or the Vice Chair and the Secretary or the Assistant Secretary of the Authority.

8. The selection of U.S. Bank National Association as Purchaser of the Notes pursuant to the Loan Agreement is hereby approved, ratified and confirmed.

9. Other than proceeds that will be used to pay a portion of the costs of issuance (including the Purchaser's origination fee or loan fee, if any), the proceeds of the Notes shall be deposited, held and disbursed in accordance with the terms of the Loan Agreement.

10. If a Note is mutilated, lost, stolen or destroyed, the Authority may execute and deliver to the person in whose name such Note is registered (the "Holder") a new Note of like amount, date, unpaid principal amount and tenor as that mutilated, lost, stolen or destroyed; provided that, in the case of mutilation, the mutilated Note shall first be surrendered to the Authority, and in the case of a lost, stolen or destroyed Note, there shall be first furnished to the Authority and the University evidence of such loss, theft or destruction satisfactory to them, together with indemnity satisfactory to them. The Authority and the University may charge the Holder with their reasonable fees and expenses in replacing any mutilated, lost, stolen or destroyed Note.

11. The Notes or either of them shall be transferable by the Holder on the registration records maintained for the Notes, upon presentation for notation of such transfer thereon at the office of the Holder, accompanied by a written instrument of transfer in form satisfactory to the Authority and the Holder, duly executed by the Holder or its attorney duly authorized in writing. The Notes and either of them shall continue to be subject to successive transfers at the option of the Holder thereof. No service charge shall be made for any such transfer, but the Authority may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith. The person in whose name a Note shall be issued or, if transferred, shall be registered from time to time shall be deemed and regarded as the absolute Holder of such Note for all purposes, and payment of or on account of the principal of and interest on such Note shall be made only to the Holder thereof, and neither the Authority nor the University shall be affected by any notice to the contrary. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid. The Notes shall be initially registered in the name of the Purchaser.

12. As required by Sections 136A.25 to 136A.42, Minnesota Statutes, as amended (the "Act"), the officers of the Authority authorized to sign checks or otherwise handle funds of the Authority shall furnish a surety bond, executed by a surety company authorized to transact business in the State of Minnesota as surety and file the same in the office of the Secretary of State of Minnesota, subject to approval of the Attorney General, prior to delivery of the Notes, which officers and the amount of the surety bond shall be as set forth in the separate resolution adopted by the Authority on November 28, 1972.

13. Pursuant to the recommendation of bond counsel, the Authority hereby finds and determines that a combination of mortgagee's form or owner's form of title insurance policy, or title insurance commitment, or owner and encumbrances reports, or title opinions, may be furnished by the University as evidence of title to the Project Facilities (as defined in the Loan Agreement) and priority of liens.

14. The terms and provisions of the documents listed in paragraph 3 of this Resolution as to which the Authority is a party and the Prior Resolutions are all approved, ratified and confirmed, except to the extent amended hereby. The officers of the Authority, the municipal advisor and bond counsel are hereby authorized and directed to execute and deliver all

closing documents and do every other thing necessary or convenient to carry out the terms and provisions of each such bond document to the end that the Notes shall be delivered, secured and serviced and to carry out the purposes and provisions of the Act with respect thereto without further resolution or other action by this Authority.

Adopted: July 15, 2020.

MINNESOTA HIGHER EDUCATION
FACILITIES AUTHORITY

By: _____
Michael D. Ranum, Chair

By _____
Gary D. Benson, Secretary

State of Minnesota

Minnesota Higher Education Facilities Authority

July 1, 2020 – June 30, 2022 Affirmative Action Plan

Minnesota Higher Education Facilities Authority

380 Jackson Street, Suite 450

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As requested by Minnesota Statute 3.197: This report cost approximately \$300 to prepare, including staff time, printing and mailing expenses.

To request an alternative format of this document, please contact the Authority at info@mnhefa.org

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Statement of Commitment

Minnesota Administrative Rules, part 3905.0400, subpart 1, item C

This statement reaffirms the Minnesota Higher Education Facilities Authority (hereafter “the agency”) is committed to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever females, racial/ethnic minorities, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the agency’s 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 all Minnesotans.

Executive Director: _____ **Date Signed:** _____

Organizational Profile

The purpose of the Minnesota Higher Education Facilities Authority shall be to assist institutions of higher education organizations in the construction, financing, and refinancing of projects. The exercise by the authority of the powers conferred by Minnesota Statute, sections 136A.25 to 136A.42, shall be deemed and held to be the performance of an essential public function. For the purpose of Minnesota Statute sections 136A.25 to 136A.42, the authority shall have the powers and duties set forth in subdivisions 2 to 23.

The authority is authorized and empowered to issue revenue bonds to acquire projects from or to make loans to participating institutions and to issue notes, bond anticipation notes, and revenue refunding bonds of the authority under the provisions of sections 136A.25 to 136A.42, to provide funds for acquiring, constructing, reconstructing, enlarging, remodeling, renovating, improving, furnishing, or equipping one or more projects or parts thereof to enhance or preserve educational programs and research or the acquisition or improvement of other facilities eligible to be a project or part thereof by the participating institution.

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item B

A. Executive Director

Responsibilities

The Executive Director is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all federal and state laws and regulations. Quarterly, the Executive Director reports the agency's progress in meeting its affirmative action goals and objectives to the Commissioner of MMB, and reports to MMB on the results of the agency's affirmative action plan at the same time as the agency submits its biennial budget request to MMB.

Duties

The duties of the Executive Director include, but are not limited to:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the department's commitment to affirmative action and equal employment opportunity and ensure the statement is shared with to all employees.
- Make decisions and changes in policies, procedures or physical accommodations as needed to implement effective affirmative action in the agency.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and agency's mission.
- Notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all agency directors, managers, and supervisors include responsibility statements for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The Executive Director is accountable directly to the Governor and indirectly to the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

Name: Barry W. Fick

Email: bwf@mnhefa.org

Title: Executive Director

Phone: 651-296-4690

B. Affirmative Action Officer

Responsibilities

The Affirmative Action Officer is directly responsible for developing, coordinating, implementing, and monitoring the agency's affirmative action program.

Duties

The duties of the Affirmative Action Officer include, but are not limited to:

- Develop and administer the agency's Affirmative Action Plan.
- Develop and set agency-wide affirmative action hiring goals.
- Monitor agency compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the agency.
- Inform the Commissioner on progress on affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the agency, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the agency and coordinate the development the training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Develop innovative programs to attract and retain individuals from protected groups in the agency.
- Support and participate in the recruitment individuals of protected groups for employment, promotion, and training opportunities.
- Manage the agency's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain candidates and employees from protected group.

- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Agency Diversity Recruitment program.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer is accountable to the Executive Director for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administrator of ADA Title II, administrator of Diversity and Inclusion, and other equal opportunity related administrators. In addition, AAO endures that aggregated data and trends of complaints of illegal discrimination in hiring are provided and shared with the Human Resources Director on a quarterly basis.

Name of individual(s) responsible

Name: Amanda G. Lee

Email: agl@mnhefa.org

Title: Operations Manager

Phone: 651-296-4690

Name: Barry W. Fick

Email: bwf@mnhefa.org

Title: Executive Director

Phone: 651-296-4690

C. Affirmative Action Officer Designee(s)

Responsibilities

Designees are responsible for the implementation of the department's Affirmative Action Plan at their facility/work location. Each designee is directly accountable to the agency's Affirmative Action Officer for matters relating to affirmative action.

Duties

The duties of Affirmative Action Designees include, but are not limited to:

- Fulfill all affirmative action reporting requirements by submitting standard reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.

- Serve as ex-officio member of the Employee Resource Group (ERG) diversity committee at their work and/or participate in the agency's diversity or equity committee.
- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices to recommend changes to the Affirmative Action Officer.
- Partner with the agency's recruitment team at their work locations.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Designee is accountable indirectly to the Executive Director on matters pertaining to Affirmative Action and Equal Opportunity.

Name of individual(s) responsible

Name: Amanda G. Lee

Email: agl@mnhefa.org

Title: Operations Manager

Phone: 651-296-4690

Name: Barry W. Fick

Email: bwf@mnhefa.org

Title: Executive Director

Phone: 651-296-4690

D. Human Resources Director or Designee(s)

Responsibilities

The Human Resources Director or Designee is responsible for ensuring equitable and uniform administration of all personnel policies, in conjunction with the agency ADA Coordinator, to ensure timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations to remove barriers to equal employment opportunity with the agency. HR Director or Designee is responsible for assisting managers and supervisors in human resources management activities.

Staff within Human Resources who work on affirmative action and diversity issues are accountable to the HR Director or Designee.

Duties

The duties of HR Directors include, but are limited to:

- Maintain effective working relationships with agency affirmative action officers and designees.

- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected groups and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors by in collaboration with the Affirmative Action Officer.
- Initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers, and the Affirmative Action Officer in recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officers, and human resources staff in the creation of supported worker positions. These positions help reduce agency costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the retention of protected group members in hard-to-fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

HR staff are accountable to the HR Directors or Designees.

Name of individual(s) responsible in conjunction with the agency's assigned MMB HR Staff

Name: Amanda G. Lee

Email: agl@mnhefa.org

Title: Operations Manager

Phone: 651-296-4690

Name: Barry W. Fick

Email: bwf@mnhefa.org

Title: Executive Director

Phone: 651-296-4690

E. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for ensuring the agency's compliance with the ADA Title I – Employment, in accordance with the ADA - as amended, and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title I Coordinator include, but are not limited to:

- Provide guidance, coordination, and direction to agency management on the ADA. The agency develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to agency management and staff on compliance and best practices for hiring and retaining individuals with disabilities, as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing agency services, and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update HR Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement under the guidelines of the state-wide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process, perform essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator and the Regional Human Resources Director (RHRD) who also serves as the Regional ADA Coordinator, in consultation with the employee and supervisor, and other individuals involved must:
 - Discuss the purpose and essential functions of the job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform essential functions of the job; and

- After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title I Coordinator is accountable to the Executive Director.

Name of individual(s) responsible

Name: Amanda G. Lee

Email: agl@mnhefa.org

Title: Operations Manager

Phone: 651-296-4690

F. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible ensuring the agency's compliance with the ADA Title II – Public Services, in accordance with the ADA as amended, and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title II Coordinator include, but are not limited to:

- Provide guidance, coordination, and direction to agency management on the ADA. The agency develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to the agency's management and staff on compliance and best practices with regards and obligations to members of the public with disabilities, as well as the provision of reasonable modifications for visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing agency services. Report reasonable modifications annually to MMB.
- Research case law rules and regulation and update Executive team on evolving ADA issues. Meet bi-annually with state ADA Coordinators and learn updates and share practices on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering training for Agency employees assisting ADA modifications for the public.

- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II Coordinator will consult with the member of the public in need of a modification and:
 - Discuss the purpose and essential functions of the reasonable modification.
 - Identify the potential modifications and assess the effectiveness each request.
 - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the agency.
 - Document this review and reported in the State ADA Annual Report.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title II Coordinator is accountable to the Executive Director.

Name of individual(s) responsible

Name: Amanda G. Lee

Email: agl@mnhefa.org

Title: Operations Manager

Phone: 651-296-4690

G. Senior Managers and Facility Executive Team Leaders

Responsibilities

Agency senior managers and executive team leaders are responsible for implementing all aspects of the agency Affirmative Action Plan and the agency's commitment to affirmative action and equal opportunity.

Duties

The duties of senior managers and facility executive team leaders include, but are limited to:

- Identify problem areas and eliminate barriers that prevent equal employment opportunity within the agency.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Assist the Affirmative Action Officer in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.

- Hold regular discussions with supervisors and employees to ensure the agency's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results, in addition to other job performance criteria.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

Senior managers and executive team leaders are accountable directly to the appropriate Assistant Commissioner, the Deputy Commissioner or the Commissioner.

Name of individual(s) responsible

Name: Barry W. Fick

Title: Executive Director

Email: bwf@mnhefa.org

Phone: 651-296-4690

H. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the State of Minnesota's policy of equal employment opportunity. This includes refraining from any actions that would subject any employee to negative treatment on the basis of race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use the agency's complaint procedure.

Duties:

The duties of all employees include, but are not limited to:

- Exhibit an attitude of respect, courtesy, and cooperation toward colleagues and the public.
- Refrain from any actions that would adversely affect a colleague on the basis of their race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the agency's Commissioner. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

Communication of the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item D and Minnesota Administrative Rules, part 3905.0400, subpart 1, item E

The following information describes the methods that the agency takes to communicate the Affirmative Action Plan to employees and the general public:

Internal Methods of Communication

- **Internal memorandum.** Agency leadership or the Affirmative Action Officer will send an internal memo to agency employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employees' responsibility to support and implement equal opportunity and affirmative action, will be sent from the agency's leadership or the Affirmative Action Officer, to all staff on an annual basis.
- **Intranet.** The agency's Affirmative Action Plan is available to all employees on the agency's internal website at <https://mnhefa.org/about/staff/> and in print to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Printed copy.** A physical copy of the Agency's Affirmative Action Plan is available to employees at the following address:

380 Jackson Street, Suite 450
Saint Paul, MN 55101
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

External Methods of Communication

- **Public website.** The agency's Affirmative Action Plan is available on the agency's public website at <https://mnhefa.org/about/staff/>. Printed copies are available to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Equal opportunity employer language.** The agency's website homepage, letterhead, publications, and all job postings, includes the statement "The Minnesota Higher Education Facilities Authority is an equal opportunity employer." The agency will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- A physical copy of the Agency's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

380 Jackson Street, Suite 450
Saint Paul, MN 55101

Policies, Procedures, and Notice

A. Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436 (issued 6/12/2019)

Overview

Objective

To create a work environment free from harassment and discrimination based on protected class.

Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Sexual harassment is specifically addressed by HR/LR Policy #1329 Sexual Harassment Prohibited.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Terms

Complainant: An individual who reports protected class harassment, discrimination, or retaliation.

Third party: Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class: Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class: Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age: The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Marital status: Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment and discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Familial status: The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Disability: A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic information: Includes information about an individual's or their family members' genetic tests, family medical history, an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Public service environment: A location where public service is being provided.

Membership or activity in a local human rights commission: Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

Exclusions

N/A

Statutory References

M.S. Ch. 43A

M.S. Ch. 363A

General Standards and Expectations

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

Protected class harassment and discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment and discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

I. Employee and Third-Party Responsibilities and Complaint Procedure

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's affirmative action officer
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment/discrimination
2. A description of the incident(s), including the date(s), location(s), and the identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment/discrimination
4. What, if any, steps have been taken to stop the harassment/discrimination
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), or other legal channels.

II. Manager/Supervisory Responsibility

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate harassment, discrimination, or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

III. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified
3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

IV. Affirmative Action Officer or Designees Responsibilities

Agency Affirmative Action Officer/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

Investigation and Discipline

State agencies will take seriously all reports of protected class harassment, discrimination and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

Non-Retaliation

Retaliation against any person who opposes protected class harassment or discrimination, who reports protected class harassment or discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment or discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of

this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Responsibilities

Agency Responsibility

Agencies are responsible for the following:

1. Adopting this policy as the agency HR policy.
2. Disseminating this policy to agency employees through a method whereby receipt can be verified.
3. Posting this policy in a manner that can be accessed by all employees and third parties.
4. Including this policy in their Affirmative Action Plan.
5. Implementing this policy, which includes:
 - a. Implementing an educational program
 - b. Developing and implementing a procedure for reporting complaints
 - c. Communicating the complaint procedure to employees
 - d. Developing and implementing a procedure under which reports will be addressed promptly.
6. Enforcing this policy.
7. Reporting annually dispositions of reports of protected class harassment or discrimination using the Affirmative Action Report.

MMB Responsibility

Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, HR/LR Policy #1436, Harassment and Discrimination Prohibited, including the policy's complaint procedure. I understand that harassment and discrimination based on protected class, and retaliation, are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any "third party" as defined by the policy, I will be subject to disciplinary action, up to and including discharge. I understand that if I believe that I have been subjected to harassing, discriminatory or retaliatory conduct as defined by the policy by any State employee, or by any "third party" as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency's managers or supervisors, the agency's affirmative action officer, the agency's human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget. Signed: _____ Date: _____
Employee Name: _____

B. Statewide Sexual Harassment Prohibited Policy Statewide HR/LR Policy #1329: Sexual Harassment Prohibited (revised 6/12/2019)

Objective

To create a work environment free from sexual harassment of any kind.

Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment as described in this policy are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports sexual harassment, or who participates in any investigation concerning sexual harassment, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

A location that is not the workplace where public service is being provided.

Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers

- Business Partners
- Unpaid Interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.

M.S. Ch. 363A

M.S. Ch. 43A

General Standards and Expectations

I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
4. Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment to any of the following:

1. Any agency's managers or supervisors;
2. The agency's affirmative action officer;
3. An agency's human resource office;
4. Agency management, up to and including the agency head.

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget's Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment
2. A description of the incident(s), including the date(s), location(s), and identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment
4. What, if any, steps have been taken to stop the harassment
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint or charge externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR), or other legal channels.

III. Manager/Supervisor Responsibility

Managers and Supervisors must:

1. Model appropriate behavior
2. Treat all reports of sexual harassment seriously
3. Appropriately respond to a report or problem when they receive a report of sexual harassment, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation of this policy are subject to discipline, up to and including discharge.

IV. Human Resources Responsibilities

Agency human resources must:

Minnesota Higher Education Facilities Authority 2020-2022 Affirmative Action Plan

1. Model appropriate behavior
2. Distribute the sexual harassment policy to all employees, through a method whereby receipt can be verified
3. Treat all complaints of sexual harassment seriously
4. Comply with the agency's complaint and investigation procedures and/or their Affirmative Action Plan

V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee must:

- Model appropriate behavior
- Treat all complaints of sexual harassment seriously
- Comply with the agency's complaint and investigation procedures
- Keep the agency apprised of changes and developments in the law and policy

VI. Investigation and Discipline

State agencies will take seriously all reports of sexual harassment and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of sexual harassment or retaliation will be subject to disciplinary action, up to and including discharge.

VII. Non-Retaliation

Retaliation against any person who opposes sexual harassment, who reports sexual harassment, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting sexual harassment or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Responsibilities

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by all employees and third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, which includes:
 - Implementing an educational program
 - Developing and implementing a procedure for reporting complaints
 - Communicating the complaint procedure to employees
 - Developing and implementing a procedure under which reports will be addressed promptly
- Enforcing this policy.
- Reporting annually dispositions of reports of sexual harassment using the Affirmative Action Report.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, HR/LR Policy #1329, Sexual Harassment Prohibited, including the policy's complaint procedure.

I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any "third party" as defined by the policy, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by the policy by any State employee, or by any "third party" as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency's managers or supervisors, the agency's affirmative action officer, the agency's human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: _____ Date: _____

Employee Name: _____

C. Complaint Procedure for Processing Complaints Under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy:

The Minnesota Higher Education Facilities Authority has established the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Who May File:

Any individual who believes that they have been subject to harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is encouraged to use this internal complaint procedure.

If the individual chooses, a complaint can be filed externally with the Minnesota Department of Human Rights (MDHR), the U.S. Equal Employment Opportunity Commission (EEOC), or through other legal channels. The MDHR, EEOC and other legal channels have time limits for filing complaints; individuals may contact the MDHR, EEOC, or a private attorney for more information.

Retaliation against any person who has filed a complaint either internally through this complaint procedure or through an outside enforcement agency or other legal channels is prohibited.

Individuals who knowingly file a false complaint will be subject to disciplinary or corrective action.

The following are the procedures for filing a complaint:

1. The individual may, but is not required to, complete the “Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form” provided by the Affirmative Action Officer or designee. Individuals are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. The Affirmative Action Officer or designee will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer or designee determines if the complainant is alleging conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy; or if the complaint instead is of a general personnel concern or a general concern of respect in the workplace.
 - If it is determined that the complaint is not related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, but rather involves general personnel concerns or general concerns of respect in the workplace, the Affirmative Action Officer or designee will inform the complainant, in writing, within ten (10) business days.

- If it is determined that the complaint is related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, the Affirmative Action Officer or designee will determine whether corrective action may be taken without an investigation. If it is determined that an investigation is necessary, the Affirmative Action Officer or designee shall investigate the complaint.
3. The Affirmative Action Officer or designee shall create a written investigation report of every investigation conducted. If the investigation shows sufficient evidence to substantiate the complaint, appropriate corrective action will be taken.
 4. Within (60) days after the complaint is filed, the Affirmative Action Officer or designee shall provide a written answer to the complainant, unless reasonable cause for delay exists. The complainant will be notified if the written answer is not expected to be issued within the sixty (60) day period. The written answer to the complainant must comply with the data privacy restrictions of the Minnesota Government Data Practices Act.
 5. Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days after the final determination.
 6. The status of the complaint may be shared with the complainant(s) and respondent(s). All data related to the complaint are subject to the provisions of the Minnesota Government Data Practices Act.
 7. The Affirmative Action Officer or designee shall maintain records of all complaints, investigation reports, and any other data or information the Affirmative Action Officer or designee deems pertinent for seven (7) years after the complaint is closed.
 8. In extenuating circumstances, the employee or applicant may contact the State Affirmative Action Officer in the Office of Equal Opportunity at Minnesota Management and Budget for information regarding the filing of a complaint (for example, if the complaint is against the agency head or the agency Affirmative Action Officer).

D. Minnesota Higher Education Facilities Authority Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form

Form is available at <https://mnhefa.org/about/staff/>

Harassment and Discrimination Prohibited/ Sexual Harassment Prohibited Policies Complaint Form

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Agency Name _____

Street Address _____

City, State Zip Code _____

Telephone Number _____

Complainant (You)

Complainant's Name _____ Job Title _____

Agency _____ Telephone _____

Work Address _____ Division _____

City, State Zip Code _____ Manager _____

Respondent (Person Against whom you are filing the complaint)

Name _____ Respondent's Job Title _____

Agency _____ Respondent's Telephone _____

Work Address _____ Division _____

City, State Zip Code _____ Manager _____

The Complaint

Basis of Complaint

Place an "X" in the box for all that apply:

- | | | |
|--|---|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Gender Expression |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> National Origin | <input type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Age | <input type="checkbox"/> Creed | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Color | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Membership or Activity in a
Local Human Rights Commission |
| <input type="checkbox"/> Sexual Harassment | <input type="checkbox"/> Reliance on Public
Assistance | <input type="checkbox"/> Protected Class
Discrimination, Harassment,
Sexual Harassment |
| <input type="checkbox"/> Disability | | |

Describe, in as much detail as possible, the conduct that you believe violates the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. List dates, locations, names and titles of people involved. Explain why you believe the conduct was based on the item(s) checked in the "Basis of Complaint" section above. Use additional paper if needed and attach to this form. Attach any documents you believe may be relevant.

Date most recent act of discrimination/ harassment in violation of policy took place: _____

If you filed this complaint with another agency, give the name of that agency: _____

Information on Witnesses Who You Believe Can Support Your Complaint

Witness Name	Witness Work Address	Witness Work Telephone

Additional witnesses may be listed in “Additional Information” or on a separate sheet attached to this form.

This complaint is being filed based on my honest belief that I have been subjected to conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.

Complainant Signature _____

Date signed _____

Complaint Received by:

(Affirmative Action Officer Signature) _____

Date signed _____

NON-RETALIATION: Retaliation against any person who reports conduct under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is strictly prohibited and will not be tolerated. If you believe that you have been subjected to retaliation, you are encouraged to report such behavior.

This material is available in alternative formats for individuals with disabilities by contacting

Amanda Lee, Operations Manager, agl@mnhefa.org, 651-296-4690

Additional Information:

E. Statewide ADA Reasonable Accommodation Policy Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy

Objective

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable

accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

Applicant - A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disabilities Act (ADA) Coordinator - Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat - A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions - Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process - A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability - An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or

- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability - An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities - May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation - Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#).

Reasonable Accommodation - An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.
- Modifications or adjustments may include, but are not limited to:
 - Providing materials in alternative formats like large print or Braille;
 - Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
 - Modifying work schedules or supervisory methods;
 - Granting breaks or providing leave;
 - Altering how or when job duties are performed;

- Removing and/or substituting a marginal function;
- Moving to a different office space;
- Providing telework;
- Making changes in workplace policies;
- Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
- Removing an architectural barrier, including reconfiguring work spaces;
- Providing accessible parking;
- Providing a sign language interpreter; or
- Providing a reassignment to a vacant position.

Reassignment - Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

Support Person - Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Undue Hardship - A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

General Standards and Expectations

Individuals who may request a reasonable accommodation include:

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;
- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the agency must make appropriate arrangements without requiring a request in advance of each occasion.

The interactive process entails

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and

- Prior to denying a request for accommodation.

Agency responsibilities for processing the request

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner

The commissioner of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and

Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

Analysis for processing requests

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position; or
 - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;

4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

An employee's accommodation preference is always seriously considered, but the agency is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining medical documentation in connection with a request for reasonable accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or
- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested medical information.

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted.

Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation. Such a request will be made by the agency ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

The agency ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and the agency ADA Coordinator.

General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and evaluate and report on the agency's performance in hiring, retention, and processing reasonable accommodation requests.

Approval of requests for reasonable accommodation

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as

short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the agency ADA Coordinator.

Funding for reasonable accommodations

The agency must specify how the agency will pay for reasonable accommodations.

Procedures for reassignment as a reasonable accommodation

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

The agency ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the agency will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

The agency ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The agency may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of undue hardship

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

Determining direct threat

The determination that an individual poses a "direct threat," (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual's disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals process in the event of denial

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information tracking and records retention

Agencies must track reasonable accommodations requested and report once a year by September 1st to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to the agency's document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

Responsibilities

Agencies are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state agencies and maintain this policy.

Please review the following forms:

- [Employee/Applicant Request for ADA Reasonable Accommodation](#)
- [Authorization of Release of Medical Information for ADA Reasonable Accommodations](#)
- [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#)

REFERENCES

- [U.S. Equal Employment Opportunity Commission](#), *Enforcement Guidance*
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 405:7371.

The [Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) and [M.S. 181.974](#) prohibit employers from using genetic information when making decisions regarding employment.

[Minnesota Human Rights Act \(MHRA\)](#) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.

The [Family and Medical Leave Act](#) is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

[Executive Order 14-14, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs agencies to make efforts to hire more individuals with disabilities and report on progress.

Contacts

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us.

Request for Reasonable Accommodation Form

Minnesota Higher Education Facilities Authority

Employee/Applicant Request for Americans with Disabilities Act ("ADA") Reasonable Accommodation Form

The Minnesota Higher Education Facilities Authority is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of the position and 2) have a disability that substantially or materially limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee/Applicant Name: _____

Job Title: _____

Work Location: _____

Phone Number: _____

Data Privacy Statement: This information may be used by the agency human resources representative, ADA Coordinator or designee, or any other individual who is authorized by the agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, the agency may not have sufficient information to provide a reasonable accommodation.

DO NOT PROVIDE ANY INFORMATION THAT IS NOT RELATED TO YOUR REQUEST FOR REASONABLE ACCOMMODATION. DO NOT PROVIDE COPIES OF MEDICAL RECORDS.

A. Questions to clarify accommodation requested.

1. What specific accommodation are you requesting?

2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?

a. Answer yes or no: _____

b. If yes, please explain: _____

B. Questions to document the reason for the accommodation request (*please attach additional pages if necessary*).

1. If you are an employee, what, if any, job function are you having difficulty performing; or if you are an applicant, what portion of the application process are you having difficulty participating in?

-
2. What, if any, employment benefits are you having difficulty accessing?

-
3. What limitation, as result of your physical or mental impairment, is interfering with your ability to perform the functions of your job, access an employment benefit, or participate in the application process?

-
4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job, access an employment benefit, or participate in the application process?
-

Information Pertaining to Medical Documentation: In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee/applicant has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee/applicant will be provided with the appropriate forms to submit to their medical provider. The employee/applicant has the responsibility to ensure that the requested information is returned to the ADA Coordinator or designee in a timely manner.

This form does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature: _____

Date: _____

F. Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the Minnesota Higher Education Facilities Authority will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Minnesota Higher Education Facilities Authority does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: Minnesota Higher Education Facilities Authority will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Minnesota Higher Education Facilities Authority programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Minnesota Higher Education Facilities Authority will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Minnesota Higher Education Facilities Authority offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Minnesota Higher Education Facilities Authority, should contact the office of Amanda Lee at 651-296-4690 or agl@mnhefa.org as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Minnesota Higher Education Facilities Authority to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Minnesota Higher Education Facilities Authority is not accessible to persons with disabilities should be directed to Amanda Lee at 651-296-4690 or agl@mnhefa.org.

Minnesota Higher Education Facilities Authority will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

G. Minnesota Higher Education Facilities Authority Grievance Procedure Under Title II of the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Minnesota Higher Education Facilities Authority. The Statewide ADA Reasonable Accommodation policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Amanda Lee

Minnesota Higher Education Facilities Authority ADA Coordinator and Operations Manager

380 Jackson Street, Suite 450

Saint Paul, MN 55101

Within 15 calendar days after receipt of the complaint, Amanda Lee or her designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting or communication Amanda Lee or her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Minnesota Higher Education Facilities Authority and offer options for substantive resolution of the complaint.

If the response by Amanda Lee or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Executive Director or his designee.

Within 15 calendar days after receipt of the appeal, the Executive Director or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Executive Director or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Amanda Lee or her designee, appeals to the Executive Director or his designee, and responses from these two offices will be retained by the Minnesota Higher Education Facilities Authority for at least three years.

H. Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form

A fillable form is available at <https://mn.gov/mmb-stat/equal-opportunity/ada/ada-accommodation-request-form-title-ii.pdf>.

<div style="display: flex; align-items: center;"> MINNESOTA </div> <div style="text-align: center; margin-top: 20px;"> <div style="border: 1px solid black; width: 150px; height: 15px; margin: 0 auto;"></div> (Agency) Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form </div> <p style="font-size: 0.8em; margin-top: 10px;">The <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div> (Agency) is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRHA”). The ADA Coordinator/Designee will review each request on an individualized, case-by-case, basis to determine whether an accommodation or modification can be made. Please do NOT send copies of medical records. The Agency is not authorized to have medical records and is not qualified to interpret medical records.</p> <p>General Information</p> <p>Date of Request: <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <p>Person needing accommodation/modification</p> <p>Name: <div style="border: 1px solid black; width: 250px; height: 15px; display: inline-block;"></div></p> <p>Address: <div style="border: 1px solid black; width: 250px; height: 15px; display: inline-block;"></div></p> <p>Email: <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div> Phone: <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <p>Person making request (if different from person needing accommodation/modification)</p> <p>Name: <div style="border: 1px solid black; width: 250px; height: 15px; display: inline-block;"></div></p> <p>Email: <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div> Phone: <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <p>Relationship to person needing accommodation/modification: <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <p>Accommodation Information</p> <p>Date accommodation/modification is needed: <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div></p> <p>Address and/or room of accommodation/modification: <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div></p> <p>Type of accommodation/modification requested (please be specific): <div style="border: 1px solid black; width: 250px; height: 30px; margin-top: 5px;"></div> </p> <p>How would you like to be notified of the status of your request? <input type="radio"/> Phone <input type="radio"/> Email <input type="radio"/> Writing <input type="radio"/> Other (specify): <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div> </p> <p>If someone else has completed this form on your behalf and you want that person to be notified of the status of your request, please initial here: <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <p style="font-size: 0.7em; margin-top: 10px;">Updated 08/21/2019</p>	<p style="font-size: 0.8em;">All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.</p> <p><input type="checkbox"/> Check this box to sign this request form electronically: By checking this box, I agree my electronic signature is the legal equivalent of my signature.</p> <p>Signature of Requestor <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div> Date <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <div style="text-align: center; margin-top: 20px;"> OFFICE USE ONLY RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION </div> <p>Date request received: <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <p>The request for accommodation/modification is GRANTED. Below is a description of the accommodation/modification: <div style="border: 1px solid black; width: 250px; height: 40px; margin-top: 5px;"></div> </p> <p>The request for accommodation/modification is DENIED because:</p> <p><input type="checkbox"/> The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability.</p> <p><input type="checkbox"/> The requested accommodation/modification would impose an undue burden on the agency; and/or</p> <p><input type="checkbox"/> The requested accommodation/modification would fundamentally alter the nature of the service, program, or activity.</p> <p>Requester notified on: (date) <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div> via: <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <p>Additional notes: <div style="border: 1px solid black; width: 250px; height: 40px; margin-top: 5px;"></div> </p> <p>ADA Coordinator:</p> <p>Name <div style="border: 1px solid black; width: 200px; height: 15px; display: inline-block;"></div></p> <p>Signature <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div> Date <div style="border: 1px solid black; width: 100px; height: 15px; display: inline-block;"></div></p> <p style="font-size: 0.7em; margin-top: 10px;">Updated 08/21/2019</p>
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I. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

A copy of the agency's weather and emergency evacuation plans can be found at:

380 Jackson Street, Suite 450

Saint Paul, MN 55101

Knowledge and preparation by both individuals needing assistance and those who don't is key to reducing the impact of emergencies. When developing a plan, safety needs should be determined on a case-by-case basis because it varies with each individual and building.

Everyone has a responsibility to develop their own personal emergency evacuation plan, this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee in each agency will work to develop a plan and consult the appropriate building and safety personnel. The Minnesota Higher Education Facilities Authority will utilize building security for assistance.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the agency contact(s) below to request the type of assistance they may need.

Name: Amanda G. Lee

Title: Operations Manager

Email: agl@mnhefa.org

Phone: 651-296-4690

Evacuation Options:

Individuals with disabilities have four basics, possibly five, evacuation options

- **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- **Stairway evacuation:** Using steps to reach ground level exits from building;
- **Shelter in place:** Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire-resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;
- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or
- **For agencies equipped with an evacuation chair:** Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If an agency is equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair. Please note that the Minnesota Higher Education Facilities Authority office building is not currently equipped with an evacuation chair.

Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger

(detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.

- **Hearing disabilities:** The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- **Visual disabilities:** The agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

Individuals in need of assistance during an evacuation have three evacuation options based on their location in their building:

- **Horizontal evacuation:** If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
- **Elevator evacuation:** If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- **Shelter in Place:** Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

COVID-19 Preparedness Plan for the Minnesota Higher Education Facilities Authority

The Minnesota Higher Education Facilities Authority (“MHEFA” or “Authority”) is committed to providing a safe and healthy workplace for all our workers, clients and visitors. To ensure that, we have developed the following COVID-19 Preparedness Plan in response to the COVID-19 pandemic of 2020. All Authority staff are responsible for implementing this plan. Our goal is to mitigate the potential for transmission of COVID-19 in our workplaces and communities, and that requires full cooperation among our workers, management and customers. Only through this cooperative effort can we establish and maintain the safety and health of our workplaces.

Management and workers are responsible for implementing and complying with all aspects of this COVID-19 Preparedness Plan. MHEFA managers and supervisors fully support enforcing the provisions of this policy.

Our workers are our most important assets. We are serious about safety and health and keeping our workers working at MHEFA. Worker involvement is essential in developing and implementing a successful COVID-19 Preparedness Plan. We have involved our workers in this process by collaborating on the terms and procedures addressed in this policy, staff suggestions and feedback have been requested, and those have been integrated into the plan. Our COVID-19 Preparedness Plan follows Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines, federal OSHA standards related to COVID-19 and Executive Order 20-48, and addresses:

- hygiene and respiratory etiquette;
- engineering and administrative controls for social distancing;
- customer controls and protections for drop-off, pick-up and delivery;
- housekeeping, including cleaning, disinfecting and decontamination;
- prompt identification and isolation of sick persons;
- communications and training that will be provided to managers and workers; and
- management and supervision necessary to ensure effective implementation of the plan.

Screening and policies for employees exhibiting signs and symptoms of COVID-19

Workers have been informed of and encouraged to self-monitor for signs and symptoms of COVID-19. The following policies and procedures are being implemented to assess workers’ health status prior to entering the workplace and for workers to report when they are sick or experiencing symptoms. Anyone entering the

Authority offices for the first time on any day will be requested to complete a health screening questionnaire. If the person has any of the COVID-19 symptoms, they will be not be allowed entrance to the office if they are a client or a visitor or will be requested to leave if they are an employee. Employees who are sick with COVID-19 symptoms will follow State of Minnesota Isolation policy. Workers will communicate with the business if they are sick or experiencing symptoms while at home through email or telephone. If a worker becomes ill at work, they must isolate themselves in their office with the office door closed until they are able to leave work to go to their home for self-isolation and quarantine or go to a medical facility for examination or treatment.

MHEFA has implemented leave policies that promote workers staying at home when they are sick, when household members are sick, or when required by a health care provider to isolate or quarantine themselves or a member of their household. The Authority follows Minnesota Management and Budget Management Plan sick leave policy, the Family Medical Leave Act (FMLA) and any other relevant State of Minnesota policies addressing situations of illness. Accommodations for workers with underlying medical conditions or who have household members with underlying health conditions have been implemented. These include requiring best efforts by the employee to self-isolate within the workplace and the employer is to accommodate the needs of the employee where possible without unnecessarily placing other employees, visitors, Board members or building staff at undue risk for being infected. If an employee is ill at work, during the time they are at work a warning sign shall be posted in a prominent place at or near the office entrance noting that employee accommodations have been made.

MHEFA has also implemented a policy for informing workers if they have been exposed to a person with COVID-19 at their workplace and requiring them to quarantine for the required amount of time. The exposed worker is to notify a supervisor or the Executive Director as soon as possible after learning of their exposure to a person with COVID-19. The Authority will as soon as possible provide notice to all employees and visitors who have been at the Authority office for the week prior to the exposure that an Authority worker has been exposed to COVID-19. The Authority will also notify building management of the exposure to COVID-19 by a worker.

In addition, a policy has been implemented to protect the privacy of workers' health status and health information. The Authority will fully comply with Minnesota and Federal patient privacy laws, rules and regulations, including HIPPA as well as any Minnesota Department of Health guidelines related to patient privacy for COVID-19.

Handwashing

Basic infection prevention measures are being implemented at our workplaces at all times. Workers are instructed to wash their hands for at least 20 seconds with soap and water frequently throughout the day,

but especially at the beginning and end of their shift, prior to any mealtimes and after using the toilet. All visitors to the facility will be required to wash their hands prior to or immediately upon entering the facility. Some workplaces may have hand-sanitizer dispensers (that use sanitizers of greater than 60% alcohol) that can be used for hand hygiene in place of soap and water, as long as hands are not visibly soiled.

The Authority has acquired, and placed at multiple locations in the Authority office, a supply of face masks, disposable gloves, hand sanitizer, thermometers, and related safety items for use by employees, visitors and others who visit the Authority office. The supply of handwashing and sanitizer supplies will be provided, maintained, and replenished regularly, and workers will be allowed to perform handwashing to meet this precaution. The customer interactions between Authority staff and delivery service or building cleaning personnel are limited and infrequent. After any interaction during drop-off, pick-up and delivery with a person not employed by the Authority, all staff are strongly encouraged to maintain hand hygiene by washing their hands with supplies for this purpose provided in the Authority kitchenette and by using sanitation supplies provided at various locations within the Authority office.

Respiratory Etiquette: Cover your cough or sneeze

Workers and visitors are being instructed to cover their mouth and nose with their sleeve or a tissue when coughing or sneezing and to avoid touching their face, in particular their mouth, nose and eyes, with their hands. They should dispose of tissues in the trash and wash or sanitize their hands immediately afterward. Respiratory etiquette will be demonstrated on posters and supported by making tissues and trash receptacles available to all workers and visitors. Such posters, tissues and trash receptacles will be prominently distributed throughout Authority office.

Social Distancing

Social distancing is being implemented in the workplace through the following engineering and administrative controls:

- Employees will follow Minnesota Management and Budget and Health Department guidelines to telework when possible;
- Flexible work hours will be used to reduce the number of employees in the workplace at one time;
- Employees and visitors will maintain six feet of distance between all individuals;
- Signage or instructions are provided for employees, visitors and clients;
- Employees are discouraged from riding in or sharing vehicles;
- The Authority will support communications plans to address employee concerns;
- The Authority will provide recommended protective supplies, such as masks or nonmedical cloth face coverings, gloves, disinfectant, shields, etc., and when and how they should be worn.

- Customer interactions will be safely conducted during drop-off, pickup or delivery, etc. by requiring employees to wear masks, require drop-offs, pickup or delivery to be done from outside the office front door whenever possible, or by having the delivery left outside the office door.
- If a drop-off, pick up or delivery driver must enter the office, said person will be highly encouraged to wear a mask, which will be provided by the Authority if they do not have their own.
- Workers, visitors, and customers are prohibited from gathering in groups.
- Workers and visitors are prohibited from gathering in confined areas, including elevators with more than two persons in the elevator, and from using other workers' personal protective equipment, phones, computer equipment, desks, cubicles, workstations, offices or other personal work tools and equipment.

Housekeeping

Regular housekeeping practices are being implemented, including routine cleaning and disinfecting of work surfaces, equipment, and areas in the work environment, including the break room, meeting room, storage room, equipment room, and other spaces within the Authority office. Frequent cleaning and disinfecting will be conducted in high-touch areas, such as phones, keyboards, touch screens, controls, door handles, copy machines, etc. Staff will be responsible for cleaning their own offices at a minimum of two times per day, once upon arrival and once again prior to leaving for the day. Products used will be disinfectants and cleaning wipes. In addition, we will coordinate with building cleaning staff to keep the offices clean. In the event a worker is diagnosed with COVID-19, we will conduct a thorough cleaning or retain a professional cleaning service to deep clean the office after a COVID-19 infected worker has left the premises.

Communications and Training

This Preparedness Plan was communicated verbally and by email and posted at the MHEFA Office to all workers June 15, 2020 and necessary training was provided. Additional communication and training will be ongoing through email notification and posting of policy updates in the MHEFA Office and provided to all workers who did not receive the initial training. Instructions will be communicated to customers about how drop-off, pick-up and delivery will be conducted to ensure social distancing between the customer, the worker and other customers, and about the recommendation that customers use face masks when dropping off, picking up or accepting delivery. Managers and supervisors are to monitor how effective the program has been implemented by infection rates and employee feedback/status updates. Management and workers are to work through this new program together and update the training, as necessary. This COVID-19 Preparedness Plan has been certified by MHEFA management and was posted throughout the workplace June 15, 2020. It will be updated as necessary and as recommendations are published by the MMB and Minnesota Department of Health.

Certified by:

Barry W. Fick

Executive Director

Appendix A – Guidance for developing a COVID-19 Preparedness Plan

General

CDC Coronavirus (COVID-19) – www.cdc.gov/coronavirus/2019-nCoV

MDH Coronavirus – www.health.state.mn.us/diseases/coronavirus

State of Minnesota COVID-19 response – <https://mn.gov/covid19/>

Businesses

CDC Resources for businesses and employers – www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html

CDC General business frequently asked questions – www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html

MDH Businesses and employers: COVID-19 – www.health.state.mn.us/diseases/coronavirus/businesses.html

Minnesota Department of Employment and Economic Development (DEED) COVID-19 information and resources – <https://mn.gov/deed/newscenter/covid/>

DLI Updates related to COVID-19 – www.dli.mn.gov/updates

Federal OSHA – www.osha.gov

Handwashing

www.cdc.gov/handwashing/when-how-handwashing.html

www.cdc.gov/handwashing

<https://youtu.be/d914EnpU4Fo>

Respiratory etiquette: Cover your cough or sneeze

www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html

www.health.state.mn.us/diseases/coronavirus/prevention.html

www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html

Social distancing

www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

www.health.state.mn.us/diseases/coronavirus/businesses.html

Housekeeping

www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html

www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html

www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2

www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html

Employees exhibiting signs and symptoms of COVID-19

www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html

www.health.state.mn.us/diseases/coronavirus/basics.html

www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf

Training

www.health.state.mn.us/diseases/coronavirus/about.pdf

www.cdc.gov/coronavirus/2019-ncov/community/guidance-small-business.html

www.osha.gov/Publications/OSHA3990.pdf