



DIVERSITY AND MULTICULTURALISM COMMITTEE

NOVEMBER 15, 2011

11:00 A.M.

**MCCORMICK ROOM
WELLS FARGO PLACE
30 7TH STREET EAST
SAINT PAUL, MN**

Please note: Committee/Board meeting times are tentative. Committee/Board meetings may begin up to 45 minutes earlier than the times listed below if the previous committee meeting concludes its business before the end of its allotted time slot.

Committee Chair Louise Sundin calls the meeting to order.

- (1) **Minutes of July 20, 2011 (pp. 1-3)**
- (2) **Proposed Amendment to Board Policy 1B.3 Sexual Violence Policy (Second Reading) (pp. 4-8)**
- (3) Board Committee Goals (pp. 9-10)

Members

Louise Sundin, Chair
Duane Benson, Vice Chair
Cheryl Dickson
Clarence Hightower
Alfredo Oliveira

Bolded items indicate action required.

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES
DIVERSITY AND MULTICUTURALISM COMMITTEE
MEETING MINUTES
July 20, 2011**

Diversity and Multiculturalism Committee Members Present: Trustees Louise Sundin, Chair; Duane Benson, Vice Chair; Cheryl Dickson; Clarence Hightower, Alfredo Oliveira

Diversity and Multiculturalism Committee Members Absent: None

Other Board Members Present: Trustees Bret Anderson, Scott Thiss, James Van Houten

Leadership Council Members Present: Whitney Stewart Harris, Executive Director; Patrick Johns, President

A meeting of the Diversity and Multiculturalism Committee was held on July 20, 2011, at Wells Fargo Place, 4th Floor Board Room, 30 7th Street East, St. Paul. Chair Sundin called the meeting to order at 9:02 a.m.

1. Minutes of June 21, 2011

The minutes of the June 21, 2011 meeting were approved as written. Trustee Van Houten asked about the issue of citizenship, which he had raised at a previous meeting. Chair Sundin said that Dr. Harris planned to address this topic in his report.

2. Diversity and Multiculturalism Division Update

Trustee Sundin called on Dr. Harris to give the update.

Education Training

Dr. Harris said that the division had held its quarterly Chief Diversity Officer meetings by WebEx last month: discussing the role of the diversity officers in Access, Opportunity and Success grants; inquiring about campus programs and best practices; and notifying them that they would be asked to provide information regarding programs or activities that are related to citizenship matters.

Compliance

The Office of the Chancellor's Diversity and Multiculturalism division has asked all campuses to submit updated diversity plans. The division will review all diversity plans for best practices and give a summary to chief diversity officers.

The division has prepared a draft division work plan, but is waiting to finalize it until after the September meeting with the new Chancellor.

Among some of the upcoming issues: (1) the division is reviewing its name and mission at the request of Trustee Sundin. (2) The division will be preparing the biennial report for the Office of Civil Rights, a lengthily report about the compliance work of the system. (3) The division will be working with Academic Affairs to examine issues concerning special populations under the Perkins Grant. The major work of the division remains providing assistance to campuses relating to using diversity concepts and techniques to advance access, opportunity and success.

In answer to a question, Dr. Harris said that Resources for Results will be run as a pilot program in conjunction with the Diversity Awards.

Trustee Benson asked if the system still has programs to bring young people into colleges for programs while still at high school, and he wondered whether the funding stream for the Post Secondary Enrollment Options program could be used for underrepresented students. Dr. Harris responded that one goal could be to work with Academic and Student Affairs to examine the current program and see if the PSEO program could be used to enhance access for underrepresented students. Dr. López said that the statute authorizing PSEO prohibits use for remedial or other non-college-level courses. In system institutions, PSEO students are expected to be in the top third of their class, as eleventh graders, or in the top half of their class, as seniors. The legislature expanded to include some 9th and 10th graders as well. The program that Trustee Benson had referred to, the PACE program at Century College and at Inver Hills Community College, focuses on the middle 50 percent of the students, and they are provided a high level of support.

There was a discussion about ways to broaden PSEO participation. This could include better marketing; offering technical college programs as part of the program; asking the legislature to expand the depth and breadth of the program, making it more accessible to first generation students; examining the system's own policies; and exploring expanding the services to young people who are incarcerated. Diversity staff will work with Academic and Student Affairs staff to examine this issue further and will bring a briefing back to the committee. Included in the briefing will be an examination of what is happening, what is statutory and what is in the Board policies. This will be with the goal of attracting young people to consider PSEO who have not been considering it before.

3. Proposed Amendment to Board Policy 1B.3 Sexual Violence Policy (First Reading)

Renée Hogoboom, Associate Director for Diversity and Multiculturalism, summarized the proposed policy amendment. This is a regular review of the 1B.3 Sexual Violence Policy, and there are very few changes. The first change is in response to a communication regarding proposed changes to sexual violence policies received in April of this year from the United States Department of Education Office for Civil Rights. Internal dispute resolution mechanisms, including mediation, are removed as options, as they are not considered appropriate in cases of sexual assault. Second, there is a small language change. Third, the definition of student changed to be consistent with the definition of student in the student conduct code. In answer to a question, this policy is under the purview of Diversity and Multiculturalism because Sexual Violence is a form of discrimination, which this division handles.

4. Proposed Amendment to Board Policy 1B.4 Access for Individuals with Disabilities (Second Reading)

Renee Hogoboom noted that she provided two copies of the policy, one showing the changes and one clean copy to show how it would look with the changes made. The first change was to add “and accommodations” to the title of the policy. Access has to do with barrier removal; accommodations include learning adjustments. In response to feedback given at the last meeting, the definitions have been revised. Otherwise, the policy is very similar to the one brought to the previous meeting. In response to questions, “materially” is the language that State of Minnesota uses; and “substantially” is language the federal government uses. The policy has been changed to mirror the state language. General Council Gail Olson said that the state courts follow federal courts closely in discrimination areas; and the system is required to provide the protection offered by both of the laws.

Trustee Olivera moved approval of the amendment. The motion was seconded and the amendment was approved.

President Johns, filling in for President Davis at the meeting, said that the Leadership Council Diversity Committee has had a productive year. Trustee Van Houten asked what changes had been made to the division as a result of the downsizing in the system office. Dr. Harris said that the division lost one and one-half positions. The division moved to having only half-time administrative assistance and dropped the position that used to do community outreach. The elimination of this position was based on input from presidents that this was a function they could more readily accomplish on the campus level. The division’s focus has shifted more to the campuses, including providing technical assistance to campuses, such as to affirmative action officers, decisionmakers, investigators and others. The division is doing more e-training for second-level diversity training. (Dr. Harris believes that first-level training is best done face-to-face because it can be more emotional.) The division is serving as a clearinghouse for the requests for community outreach that it continues to receive, passing these requests on to individual campuses and sometimes providing resources and training for them to do this work. Another function of the division is promoting the sharing best practices between system institutions. He said that the system is one of the leaders in the country in coming up with measurable outcomes.

In answer to a question from Trustee Hightower, Dr. Harris said that losing staff will slow the work down but will not prevent the division from reaching its goals. If there is a way to get the staffing back, he would find it extremely helpful to do so.

The meeting adjourned at 9:53 a.m.

Respectfully submitted by Gale Rohde

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES**

Agenda Item Summary Sheet

Committee: Diversity and Multiculturalism

Date of Meeting: November 15, 2011

Agenda Item: Proposed Amendment to Board Policy 1B.3 Sexual Violence Policy
(Second Reading)

Proposed
Policy Change

Approvals
Required by
Policy

Other
Approvals

Monitoring

Information

Cite policy requirement, or explain why item is on the Board agenda:

Amendment to Board policy requires approval of the Board.

Scheduled Presenter(s):

Renée Hogoboom, Associate Director for Diversity and Multiculturalism

Outline of Key Points/Policy Issues:

The amendment is slightly modified to reflect guidance received in a “Dear Colleague” letter, dated April 4, 2011, from U. S. Department of Education Office for Civil Rights.

Background Information:

The proposed policy is a second reading to amend Policy 1B.3 Sexual Violence Policy.

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES**

BOARD ACTION

**PROPOSED AMENDMENT TO BOARD POLICY
1B.3 SEXUAL VIOLENCE POLICY(SECOND READING)**

INTRODUCTION

The Office of the Chancellor is submitting an amendment to Policy 1B.3 Sexual Violence Policy.

BACKGROUND

The Board of Trustees approved this policy in 2004. During the cyclical review of this policy, the language was amended to reflect the definition of student in the student conduct code.

There have been no significant changes to the policy.

CONSULTATION

Consultation has occurred as follows:

The policy has been broadly distributed to allow for review and comment by as many stakeholders as possible. A draft of the proposed policy was electronically distributed to the following group Listservs on May 20, 2011, and on September 8, 2011 for review and comment.

- Presidents
- Cabinet
- Chief Academic Officers
- Chief Diversity Officers
- Chief Human Resources Officers
- Affirmative Action Officers
- Chief Student Affairs Officers
- Academic Deans
- Inter Faculty Organization State Leadership
- Minnesota State College Faculty State Leadership
- Minnesota State University Association of Administrative and Service Faculty State Leadership
- Minnesota State College Student Association State Leadership
- Minnesota State University Student Association State Leadership
- Minnesota Association of Professional Employees State Leadership
- Middle Management Association State Leadership
- American Federation of State, County and Municipal Employees State Leadership

RECOMMENDED COMMITTEE ACTION

The Diversity and Multiculturalism Committee recommends that the Board of Trustees adopt the following motion:

RECOMMENDED MOTION

The Board of Trustees approves the proposed amendment to Policy 1B.3 Sexual Violence Policy.

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES & UNIVERSITIES**

BOARD POLICY		1B.3
Chapter	1B.	SYSTEM ORGANIZATION AND ADMINISTRATION EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITY
Section	3.	Sexual Violence Policy

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1B.3 Sexual Violence Policy

Part 1. Policy statement.

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Minnesota State Colleges and Universities. Minnesota State Colleges and Universities is committed to eliminating sexual violence in all forms and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. Acts of sexual violence may also constitute violations of criminal or civil law, or other Board Policies that may require separate proceedings. To further its commitment against sexual violence, Minnesota State Colleges and Universities provides reporting options, an investigative and disciplinary process, ~~internal mechanisms for dispute resolution~~, and prevention training or other related services as appropriate.

Subpart A. Application of policy to students, employees, and others. This policy applies to all Minnesota State Colleges and Universities students and employees and to others, as appropriate, where alleged incidents of sexual violence have occurred on System property. Incidents of sexual violence alleged to have been committed by a student at a location other than on System property are covered by this policy pursuant to the factors listed in Minnesota State Colleges and Universities Board Policy 3.6, Part 2~~5~~. Incidents of sexual violence alleged to have been committed by a Minnesota State Colleges and Universities employee at a location other than System property are covered by this policy.

Individuals alleged to have committed acts of sexual violence on System property who are not students or employees are subject to appropriate actions by Minnesota State Colleges and Universities, including, but not limited to, pursuing criminal or civil action against them.

Allegations of discrimination or harassment are governed by Board Policy 1B.1.

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Subpart B. College and university policies. Each Minnesota State Colleges and Universities college and university shall adopt a clear, understandable written policy on sexual violence that applies to its campus community, including, but not limited to, its students and employees. The policy content and implementation shall be consistent with the standards in this Policy and Procedure 1B.3.1.

Part 2. Definitions.

The following definitions apply to this Policy and Procedure 1B.3.1.

Subpart A. Sexual violence. Sexual violence includes a continuum of conduct that includes sexual assault, and non-forcible sex acts, as well as aiding acts of sexual violence.

Subpart B. Sexual assault. “Sexual assault” means an actual, attempted, or threatened sexual act with another person without that person’s consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State Colleges and Universities student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as “date rape” or “acquaintance rape.” This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
2. Involvement in any sexual act when the victim is unable to give consent.
3. ~~The~~ intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch ~~an unwilling~~ person’s intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

Subpart C. Consent. Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, ~~and the condition was known or would be known to a reasonable person,~~ there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

80 **Subpart D. Non-forcible sex acts.** Non-forcible acts include unlawful sexual
81 acts where consent is not relevant, such as sexual contact with an individual under
82 the statutory age of consent, as defined by Minnesota law, or between persons
83 who are related to each other within degrees wherein marriage is prohibited by
84 law.

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86 **Subpart E. System property.** “System property” means the facilities and land
87 owned, leased, or under the primary control of Minnesota State Colleges and
88 Universities, its Board of Trustees, Office of the Chancellor, colleges and
89 universities.

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91 **Subpart F. Employee.** “Employee” means any individual employed by
92 Minnesota State Colleges and Universities, its colleges and universities and
93 Office of the Chancellor, including student workers.

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95 **Subpart G. Student.** The term “student” includes all persons who:

- 96 1. Are enrolled in one or more courses, either credit or non-credit, through a
97 college or university-;
- 98 2. Withdraw, transfer or graduate, after an alleged violation of the student
99 conduct code-;
- 100 3. Are not officially enrolled for a particular term but who have a continuing
101 relationship with the college or university-;
- 102 4. Have been notified of their acceptance for admission or have initiated the
103 process of application for admission or financial aid; or
- 104 5. Are living in a college or university residence hall although not enrolled in the
105 institution.

106 ~~“Student” means an individual who is:~~

- 107 1. ~~admitted, enrolled, registered to take or is taking one or more courses, classes,~~
108 ~~or seminars, credit or noncredit, at any System college or university; or~~
- 109 2. ~~between terms of a continuing course of study at the college or university,~~
110 ~~such as summer break between spring and fall academic terms; or~~
- 111 3. ~~expelled or suspended from enrollment as a student at the college or university,~~
112 ~~— during the pendency of any adjudication of the student disciplinary action.~~

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114 *Date of Adoption:* 04/21/04

115 *Date of Implementation:* 04/21/04

116 *Subject and Date of Revision XX/XX/XXXX The changes made are to clarify policy and*
117 *to reflect the definition of “student” in other Board policies*

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES**

Agenda Item Summary Sheet

Committee: Diversity and Multiculturalism

Date of Meeting: November 15, 2011

Agenda Item: Board Committee Goals

Proposed
Policy Change

Approvals
Required by
Policy

Other
Approvals

Monitoring

Information

Cite policy requirement, or explain why item is on the Board agenda:

Each committee of the Board of Trustees is expected to select a goal for Fiscal year 2012. The committee will periodically review its goal.

Scheduled Presenter(s):

Whitney Stewart Harris, Chief Diversity Officer
Sue Hammersmith, President, Metropolitan State University
Rassoul Dastmozd, President, Saint Paul College

Outline of Key Points/Policy Issues:

Goals

- Increase the recruitment, retention and completion rate of underrepresented and American Indian students.
- Reduce the achievement/success gap between underrepresented and American Indian students and other students.
- Incorporate a diversity goal into the evaluations of presidents.

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES**

INFORMATION ITEM
Board Committee Goals

BACKGROUND

Each committee of the Board of Trustees is expected to select an achievement goal for fiscal year 2012. The committee will periodically review its goal.

The following is the proposed goal for the Diversity and Multiculturalism committee to consider.

Establish diversity goals and incorporate into FY13 presidential evaluation

Develop a matrix with measurable out comes for student recruitment and success disaggregated by selected demographic groups. The tool will be a part of presidential evaluations.

Improvement in reaching affirmative action goals articulated by each institution's 2012-2014 Affirmative Action Plan.