



DIVERSITY AND EQUITY COMMITTEE
OCTOBER 17, 2012
8:45 A.M.

MCCORMICK ROOM
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.

- (1) Minutes of June 19, 2012 (pp. 1-3)**
- (2) Proposed Amendments to Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity (First Reading) (pp. 4-8)
- (3) Proposed Work Plan for Diversity and Equity Committee 2012-2013 (pp. 9-10)

Members

Cheryl Dickson, Chair
Brett Anderson, Vice Chair
Ann Anaya
Duane Benson
Louise Sundin

Bolded items indicate action required.

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES
DIVERSITY AND EQUITY
MEETING MINUTES
June 19, 2012**

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

Diversity and Equity Committee Members Absent: None

Other Board Members Present: Trustees Brett Anderson, Jacob Englund, Scott Thiss, James Van Houten

Leadership Council Members Present: Steven Rosenstone, Chancellor; Whitney Stewart Harris, Chief Diversity Officer; Gail Olson, General Counsel; Rassoul Dastmozd, President.

A meeting of the Diversity and Equity Committee was held on June 19, 2012, at Minnesota State Colleges and Universities, 4th Floor McCormick Room, 30 7th Street East, St. Paul. Chair Sundin called the meeting to order at 3:40 p.m.

1. Review of Minutes

Trustee Louise Sundin introduced Whitney Harris, Chief Diversity Officer, to discuss the committee goal to develop a matrix of measurable outcomes for student recruitment and success, disaggregated by selected demographic groups.

Chief Diversity Officer Harris began by asking the committee if they wanted him to walk them through each slide of the PowerPoint presentation. Trustee James Van Houten indicated he would rather ask questions about specific slides since the presentation was already included in the board packet.

Trustee Van Houten questioned whether the diversity metrics mentioned on slide 7 were appropriate. He observed that Minneapolis Community and Technical College might lead with diversity numbers simply because they are situated in a diverse community. He suggested that a better way to do the analysis might be by comparing the percentage of high school graduates in the marketing area to the percentage enrolled at the targeted institution.

Chief Diversity Officer Harris replied that these goals reflect the mission and context of each institution; each president will develop goals with the Chancellor as part of their annual assessment. This work will be part of the institutional evaluation.

Trustee Sundin said she understood the slide differently. She stated the concept of availability pools could be used as an excuse not to achieve a more diverse student body. Her expectation is that schools will seek to expand the diversity of their student body by engaging in more outreach. Chief Diversity Officer Harris agreed that campuses should be encouraged to increase marketing efforts to diverse students.

Trustee Duane Benson raised the question of whether the diversity committee should be blended into other committees. Outcome measures should be developed to determine whether the committee would be retained in its current form or be merged with another standing committee.

Chancellor Rosenstone remarked that in the future diversity will be included in presidential evaluations, and that diversity should be a part of the dashboard, and presidents will be held accountable for performance during their evaluation. Chancellor Rosenstone stated that the goal should be stretch goals for both access and success. He further stated that these changes are being built into the metrics for FY13 presidential performance reviews. Once these goals are defined, the Diversity and Equity division will work with campuses to assist them in achieving their goals. This work will be done in partnership with Academic and Student Affairs, and Human Resources divisions. Trustee Sundin questioned whether the metrics should only be included in president evaluations and wanted to see them expanded in a way that they become everyone's responsibility.

Chancellor Rosenstone said that presidential accountability is the leverage point. Trustee Sundin commented that we suffer at other institutions by putting too many expectations and too much "waiting for the next hero" to save an institution. Everything should not be viewed to be one person's responsibilities, but all employees should be held responsible for achieving institutional diversity goals.

Trustee Clarence Hightower commented that there is a disconnect between accountability and the function of this committee relative to governance. There needs to be some kind of connection to the accountability metrics in this committee.

Chancellor Rosenstone said his hope is that these metrics will make this work more transparent to the Board, the campuses and communities. Trustee Benson suggested that the Chancellor's role is more than evaluating; it's also assisting presidents establish stretch goals that will lead to success.

Trustee Van Houten commented that the system might want to look at the private sector for industry hiring practices.

Trustee Hightower spoke against disbanding the Diversity and Equity committee. His concern was that if a diversity committee didn't exist, diversity would not receive the attention it deserves. He suggested a review of the committee be done one year from now. Chancellor Rosenstone suggested that his approach of having clear and measurable outcomes is a good way of holding the Presidents accountable and moving the dial forward on access and success for underrepresented students. Transparent accountability is the best way to produce the needed outcomes.

2. Resources for Relationship Award

Trustee Sundin then gave a brief description of the Resources for Relationship award. This year's winner is Metropolitan State University. She asked President Sue Hammersmith to introduce a team to present the project that won the award. The program that won this year's award is the American Indian Services Center. The goal of the center is to enhance American Indian success through programs in four areas: academic success, cultural competency, community connections and family involvement.

The presenters were: Truly Webb, Maggie Laurence, Cecilia Stanton, Julio Vargo Essex. Several board members as well as Chancellor Rosenstone complimented those engaged in this work. Trustee Sundin congratulated the award winners and thanked them for their presentation.

The meeting adjourned at 4:30 p.m.
Respectfully submitted by Christine McGing

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

Agenda Item Summary Sheet

Committee: Diversity and Equity

Date of Meeting: October 17, 2012

Agenda Item: Proposed Amendments to Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity (First 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 Equity
Gail Olson, General Counsel

Outline of Key Points/Policy Issues:

This amendment modifies Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity to specifically include gender identity and gender expression in the nondiscrimination statement. In addition, the definition of student has also been amended to be consistent with the definition of student in System Procedure 3.6.1, Student Conduct Code.

Background Information:

The proposed action is a first reading to amend Board Policy 1B.1, Nondiscrimination in Employment and Education Opportunity.

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

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BOARD POLICY		1B.1
Chapter	1B.	SYSTEM ORGANIZATION AND ADMINISTRATION EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITY
Section	1.	Nondiscrimination in Employment and Education Opportunity

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**1B.1 NONDISCRIMINATION IN EMPLOYMENT AND EDUCATION
OPPORTUNITY.**

Part 1. Policy Statement

10 Minnesota State Colleges and Universities is committed to a policy of nondiscrimination in
11 employment and education opportunity. No person shall be discriminated against in the terms
12 and conditions of employment, personnel practices, or access to and participation in,
13 programs, services, and activities with regard to race, sex, color, creed, religion, age, national
14 origin, disability, marital status, status with regard to public assistance, ~~or~~ sexual orientation,
15 gender identity, or gender expression. In addition, discrimination in employment based on
16 membership or activity in a local commission as defined by law is prohibited.

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

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

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This policy shall apply to all individuals affiliated with Minnesota State Colleges and
Universities, including but not limited to, its students, employees, applicants, volunteers,
agents, and Board of Trustees, and is intended to protect the rights and privacy of both the

38 complainant and respondent and other involved individuals, as well as to prevent retaliation or
39 reprisal. Individuals who violate this policy shall be subject to disciplinary or other corrective
40 action.

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42 This policy supersedes all existing system, college, and university nondiscrimination policies.

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44 **Part 2. Definitions.**

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46 **Subpart A. Consensual Relationship.** A sexual or romantic relationship between two
47 persons who voluntarily enter into such a relationship. Employees who are members of the
48 same household should also refer to the Board of Trustees Nepotism policy 4.10.

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

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

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62 As required by law, Minnesota State Colleges and Universities has further defined sexual
63 harassment as a form of sexual discrimination which is prohibited by state and federal law.
64 Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors,
65 sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature
66 when:

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

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78 **Subpart D. Employee.** Minnesota State Colleges and Universities personnel include all
79 faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and
80 student employees.

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82 **Subpart E. Protected Class.** Protected class for the purpose of this policy means that

83 discrimination and harassment in employment and education are prohibited on the basis of:
84 race, sex, color, creed, religion, age, national origin, disability, marital status, status with
85 regard to public assistance ~~or~~ sexual orientation, gender expression or gender identity. In
86 addition, membership or activity in a local human rights commission is a protected class in
87 employment.

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

- 91 a) made a complaint under this policy;
- 92 b) ~~or~~ assisted or participated in any manner in an investigation, or process under this
93 policy, regardless of whether a claim of discrimination or harassment is substantiated;
- 94 c) ~~or~~ associated with a person or group of persons who are disabled or are of a different
95 race, color, creed, religion, sexual orientation, gender identity, gender expression, or
96 national origin; or
- 97 d) Made a complaint or assisted or participated in any manner in an investigation or
98 process with the Equal Employment Opportunity Commission, the U.S. Department
99 of Education Office for Civil Rights, the Minnesota Department of Human Rights or
100 other enforcement agencies, under any federal or stated nondiscrimination law,
101 including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973;
102 the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

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104 –Retaliation may occur whether or not there is a power or authority differential between the
105 individuals involved.

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107 **Subpart G. Sexual harassment and violence as sexual abuse.** Under certain
108 circumstances, sexual harassment or violence may constitute sexual abuse according to
109 Minnesota law. In such situations, the system office and colleges and universities shall
110 comply with the reporting requirements in Minnesota Statutes Section 626.556 (reporting of
111 maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult
112 Protection Act). Nothing in this policy will prohibit the system office or any college or
113 university from taking immediate action to protect victims of alleged sexual abuse.
114 Minnesota State Colleges and Universities 1B.3 Sexual Violence Policy addresses sexual
115 violence.

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117 **Subpart H. Student.** The term “student” includes all persons who:

- 118 1. Are enrolled in one or more courses, either credit or non-credit, through a college or
119 university;
- 120 2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
- 121 3. Are not officially enrolled for a particular term but who have a continuing relationship
122 with the college or university;
- 123 4. Have been notified of their acceptance for admission or have initiated the process of
124 application for admission or financial aid; or
- 125 5. Are living in a college or university residence hall although not enrolled in the
126 institution.

127 “Student” means an individual who is:
128 1. ~~admitted, enrolled, registered to take or is taking one or more courses, classes, or~~
129 ~~seminars, credit or noncredit, at any System college or university; or~~
130 2. ~~between terms of a continuing course of study at the college or university, such as~~
131 ~~summer break between spring and fall academic terms; or~~
132 3. ~~expelled or suspended from enrollment as a student at the college or university, during~~
133 ~~the pendency of any adjudication of the student disciplinary action.~~

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136 **Part 3. Consensual Relationships.** An employee of Minnesota State Colleges and
137 Universities shall not enter into a consensual relationship with a student or an employee over
138 whom he or she exercises direct or otherwise significant academic, administrative,
139 supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a
140 relationship already exists, each college and university and system office shall develop a
141 procedure to reassign evaluative authority as may be possible to avoid violations of this
142 policy. This prohibition does not limit the right of an employee to make a recommendation on
143 personnel matters concerning a family or household member where the right to make
144 recommendations on such personnel matters is explicitly provided for in the applicable
145 collective bargaining agreement or compensation plan.

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148 **Part 4. Retaliation.** Retaliation as defined in this policy is prohibited in the system office,
149 colleges and universities. Any individual subject to this policy who intentionally engages in
150 retaliation shall be subject to disciplinary or other corrective action as appropriate.

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152 **Part 5. Policies and procedures.** The chancellor shall establish procedures to implement this
153 policy. The nondiscrimination in employment and education opportunity policy and
154 procedures of colleges and universities shall comply with Policy 1B.1 and Procedure 1B.1.1.

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

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

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160 ***Date & Subject of Revisions:***

161 *6/21/06 - Amended policy to streamline and clarify language. Part 3 was amended to prohibit relations between employees*
162 *and students or employees over whom the employee exercises direct or significant authority or influence. Amendments do*
163 *not take effect until November 1, 2006.*

164 *12/20/95 - Added everything after the first paragraph.*

165 *There is no additional HISTORY for policy 1B.1.*

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

Agenda Item Summary Sheet

Committee: Diversity and Equity

Date of Meeting: October 17, 2012

Agenda Item: Proposed Work Plan for Diversity and Equity Committee 2012-2013

Proposed
Policy Change

Approvals
Required by
Policy

Other
Approvals

Monitoring

Information

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

The Diversity and Equity committee will develop a work plan for fiscal year 2013

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:

Goal:

The goal of this discussion is to agree upon the items to be included in the committee's work plan for fiscal year 2013.

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

INFORMATION ITEM

Proposed Work Plan for Diversity and Equity Committee 2012-2013

BACKGROUND

Three study sessions are proposed for the Diversity and Equity Committee.

Study Session 1. Evaluation of the work being done to increase access and affordability of Minnesota State Colleges and Universities (November 2012)

- Facts: Trend data on student enrollment broken down by racial group, first generation and low income; data with respect to cost, trends of cost and indebtedness
- Strategies colleges and universities are using to increase access and affordability
- Barriers
- Measures of outcomes

Study Session 2. Evaluation of the work being done to close the achievement gap (January 2013)

- Facts: Student success trend data broken out by racial group, first generation and low income
- Assessment of strategies to close the gap
- Barriers
- Measure of outcomes

Study Session 3. Evaluation of the work being done to increase the diversity of faculty and staff (Spring 2013)

- Facts: Current and trend data
- Strategies for recruitment and retention of faculty and staff
- Barriers
- Measures of outcomes

Roles for the Diversity and Equity Committee in each study session

- Provide oversight of colleges, universities and system strategies
- Assess approaches for measuring progress on equity and diversity measures
- Provide guidance on how the colleges, universities, and system can better respond to the needs of Minnesota's diverse communities