



**DIVERSITY AND EQUITY COMMITTEE**  
**OCTOBER 23, 2013**  
**9:45 A.M.**

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

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**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 Study Session, Access and Affordability on November 14, 2012 (pp. 1)**
- (2) Minutes of November 14, 2012 (pp. 2-3)**
- (3) Proposed Amendment to Board Policy 1B.3 Sexual Violence Policy  
(First Reading) (pp. 4-9)

**Diversity and Equity Committee**

Alexander Cirillo, Chair  
Cheryl Dickson, Vice Chair  
Ann Anaya  
Duane Benson  
Alfredo Oliveira  
Maria Peluso  
Louise Sundin

**Bolded** items indicate action required.

**MINNESOTA STATE COLLEGES AND UNIVERSITIES  
BOARD OF TRUSTEES  
DIVERSITY AND EQUITY  
MEETING MINUTES  
November 14, 2012**

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*Diversity and Equity Committee Members Present:* Cheryl Dickson, Chair; Trustees Brett Anderson, Vice Chair; Ann Anaya, Duane Benson, Louise Sundin.

*Diversity and Equity Committee Members Absent:* None

*Other Board Members Present:* Clarence Hightower, Margaret Anderson Kelliher, Philip Krinkie, Alfredo Oliveira, David Paskach, Maria Peluso, Thomas Renier, and Michael Vekich.

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

A meeting of the Diversity and Equity Committee was held on November 14, 2012, at Minnesota State Colleges and Universities, 4th Floor, McCormick Room, 30 7th Street East, St. Paul. Chair Dickson called the meeting to order at 12:01 p.m.

**1. Study Session: Access and Affordability**

Committee Chair Cheryl Dickson clarifies for new board members the difference between committee meetings and study sessions. Study Sessions are for everyone. This is the study session on Access and Affordability. Three study sessions will be held for the Diversity and Equity division. The issues are: 1) affordability; 2) evaluation on achievement gap and retention; and 3) evaluation on work being done to increase faculty and staff diversity. The next study session will be in January with the final session to be held in the Spring.

President Dastmozd; President Sue Hammersmith; Whitney Harris, Chief Diversity Officer; and Doug Knowlton, Vice Chancellor for Academic and Student Affairs, start the study session with a PowerPoint presentation leaving time for questions afterward.

The meeting adjourned at 1:07 p.m.

Respectfully submitted by Christine McGing

**MINNESOTA STATE COLLEGES AND UNIVERSITIES  
BOARD OF TRUSTEES  
DIVERSITY AND EQUITY  
MEETING MINUTES  
November 14, 2012**

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*Diversity and Equity Committee Members Present:* Cheryl Dickson, Chair; Trustees Brett Anderson, Vice Chair; Ann Anaya, Duane Benson, Louise Sundin.

*Diversity and Equity Committee Members Absent:* None

*Other Board Members Present:* Clarence Hightower, Margaret Anderson Kelliher, Philip Krinkie, Alfredo Oliveira, David Paskach, Maria Peluso, Thomas Renier, and Michael Vekich.

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

A meeting of the Diversity and Equity Committee was held on November 14, 2012, at Minnesota State Colleges and Universities, 4th Floor, McCormick Room, 30 7th Street East, St. Paul. Chair Dickson called the meeting to order at 1:08 p.m.

**1. Review of Minutes**

The minutes of the October 17, 2012 meeting were approved as published.

**2. Proposed Amendments to Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity (Second Reading) [Proposed rename: Equal Opportunity and Nondiscrimination in Employment and Education]**

Associate Director for Diversity and Equity, Renée Hogoboom, presented the Proposed Policy 1B.1 Nondiscrimination in Employment and Education Opportunity (Second Reading) with the proposed amendments to the Committee. The document included the revisions that were suggested by committee members at the First Reading in October. One of those suggestions, highlighting the system's commitment to equal opportunity, is reflected in the new title of the policy. The proposed title is Equal Opportunity and Nondiscrimination in Employment and Education. Additionally, a new equal opportunity policy statement was added to Part 1, Subpart A, to reflect the same commitment. Gender identity and gender expression have also been explicitly added to the policy; though not a substantive change because prior to this they were contained under the definition of sexual orientation harassment. The terms are being explicitly expressed in the proposed policy because of increased concern from individuals who either identify or express their gender in nontraditional manners.

In addition, a revision to Part 2, Subpart E. 2, was made to address a concern by Trustee Anaya that state and federal laws had different definitions of age discrimination. The policy now states, "This policy prohibits use of protected class status as a factor in decisions affecting education and employment where prohibited by federal or state law." This change was made due to the fact that we deal with both employees and students of all ages and laws protecting students and employees from discrimination have differing age thresholds.

Other changes that were proposed in the First Reading include the definition of student, which closely aligns with the definition of student in the student conduct policy. An additional change was made in the definition of student to cover those students who live in a college or residence hall, though are not enrolled in or employed by the institution. This would include students in our summer bridge programs, and other students from one of our community colleges that might house at one of our universities (i.e. Mankato State University and St. Cloud State University).

Trustee Sundin recognized that in every list of categories that deal with race, sex, creed, color, etc. that the term used is “sex.” She questioned the appropriateness of replacing that word with “gender.” Renée Hogoboom answered that the Minnesota Human Rights Act still uses “sex” and our policy has always mirrored that Act.

Motion recommended and approved to Board Policy 1B.1.

The meeting adjourned at 1:15 p.m.  
Respectfully submitted by Christine McGing

**MINNESOTA STATE COLLEGES AND UNIVERSITIES  
BOARD OF TRUSTEES  
Agenda Item Summary Sheet**

**Name:** Diversity and Equity Committee

**Date:** October 23, 2013

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

**Purpose (check one):**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Proposed<br>New Policy or<br>Amendment to<br>Existing Policy | <input type="checkbox"/> Approvals<br>Required by<br>Policy | <input type="checkbox"/> Other<br>Approvals |
| <input type="checkbox"/> Monitoring /<br>Compliance  | <input type="checkbox"/> Information                        |   |

**Brief Description:**

Definitions of dating and relationship violence and stalking have been added to the policy to comply with new federal regulations.

**Scheduled Presenter(s):** Renée Hogoboom, Associate Director for Diversity and Equity

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

<b>BOARD ACTION</b>
Proposed Amendment to Board Policy 1B.3 Sexual Violence Policy (First Reading)

**INTRODUCTION**

The system office is submitting an amendment to Policy 1B.3 Sexual Violence Policy.

**BACKGROUND**

The Board of Trustees approved this policy in 2004 and made a slight amendment in November 2011. On March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act (“VAWA”). The Campus Sexual Violence Elimination Act (“SaVE Act”) was added within the authorization and imposes new requirements on colleges and Universities. The policy has been amended to better comport with these regulations. Colleges and Universities must comply with the new requirements on or before March 7, 2014.

**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 September 16, 2013, 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**

No recommendation action for the first reading.

**RECOMMENDED MOTION**

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

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

<b>BOARD POLICY</b>		<b>1B.3</b>
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 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 incidents of sexual violence on system property have been reported. Reports of sexual violence committed by a student at a location other than on system property are covered by this policy pursuant to the factors listed in Board Policy 3.6, Part 2. Reports of sexual violence committed by a system employee at a location other than system property are covered by this policy.

Reports of sexual violence committed on system property by individuals 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.

**Subpart B. College and university policies.** Each Minnesota State Colleges and Universities college and university shall adopt a clear, understandable written



35 policy on sexual violence that applies to its campus community, including, but not  
36 limited to, its students and employees. The policy content and implementation  
37 shall be consistent with the standards in this Policy and Procedure 1B.3.1.  
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39 **Part 2. Definitions.**

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41 The following definitions apply to this Policy and Procedure 1B.3.1.  
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43 **Subpart A. Sexual violence.** Sexual violence includes a continuum of conduct  
44 that includes sexual assault, ~~and non-forcible sex acts,~~ dating and relationship  
45 violence, stalking, as well as aiding acts of sexual violence.  
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47 **Subpart B. Sexual assault.** “Sexual assault” means an actual, attempted, or  
48 threatened sexual act with another person without that person’s consent. Sexual  
49 assault is often a criminal act that can be prosecuted under Minnesota law, as well  
50 as form the basis for discipline under Minnesota State Colleges and Universities  
51 student conduct codes and employee disciplinary standards. Sexual assault  
52 includes but is not limited to:  
53

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

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67 **Subpart C. Dating and relationship violence.** Dating and relationship  
68 violence includes physical harm or abuse, and threats of physical harm or  
69 abuse, arising out of a personal intimate relationship. Individuals in the  
70 relationship may be married or not married; heterosexual, gay or lesbian; and  
71 in a long term or short term relationship. This violence also may be called  
72 domestic abuse or spousal/partner abuse and may be subject to criminal  
73 prosecution under Minnesota state law.  
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75 **Subpart D. Stalking.** Stalking is conduct directed at a specific person that is  
76 unwanted, unwelcome, or unreciprocated and that would cause a reasonable  
77 person to fear for his or her safety or the safety of others or to suffer  
78 substantial emotional distress.  
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80 **Subpart E–C. Consent.** Consent is informed, freely given and mutually  
81 understood. If coercion, intimidation, threats, and/or physical force are used,

82 there is no consent. If the complainant is mentally or physically incapacitated or  
83 impaired so that the complainant cannot understand the fact, nature, or extent of  
84 the sexual situation, there is no consent; this includes conditions due to alcohol or  
85 drug consumption, or being asleep or unconscious. Silence does not necessarily  
86 constitute consent, and past consent of sexual activities does not imply ongoing  
87 future consent. Whether the respondent has taken advantage of a position of  
88 influence over the complainant may be a factor in determining consent.

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90 | **Subpart FD. Non-forcible sex acts.** Non-forcible acts include unlawful sexual  
91 acts where consent is not relevant, such as sexual contact with an individual under  
92 the statutory age of consent, as defined by Minnesota law, or between persons  
93 who are related to each other within degrees wherein marriage is prohibited by  
94 law.

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96 | **Subpart GE. System property.** “System property” means the facilities and land  
97 owned, leased, or under the primary control of Minnesota State Colleges and  
98 Universities, its Board of Trustees, system office, colleges and universities.

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100 | **Subpart HF. Employee.** “Employee” means any individual employed by  
101 Minnesota State Colleges and Universities, its colleges and universities and  
102 system office, including student workers.

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104 | **Subpart IG. Student.** The term “student” includes all persons who:  
105 1. Are enrolled in one or more courses, either credit or non-credit, through a  
106 college or university;  
107 2. Withdraw, transfer or graduate, after an alleged violation of the student  
108 conduct code;  
109 3. Are not officially enrolled for a particular term but who have a continuing  
110 relationship with the college or university; or  
111 4. Have been notified of their acceptance for admission or have initiated the  
112 process of application for admission or financial aid; or  
113 5. Are not college or university employees and are not enrolled in the institution  
114 but live in a college or university residence hall.

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

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

118 *Subject and Date of Revision*

119  
120 *11/16/11 – Amended Part 1 and Part 1A to clarify policy. Amended Part 2C to further*  
121 *define consent. Amended Part 2G to reflect the definition of “student” in other Board*  
122 *policies.*