

## Minnesota State Colleges and Universities

### Board of Trustees Meeting Minutes

June 17, 2022

Present: Chair Jay Cowles, Vice Chair Roger Moe, and Trustees Ahmitara Alwal, Ashlyn Anderson, Alex Cirillo, Dawn Erlandson, Bob Hoffman, Jerry Janezich, April Nishimura, Rudy Rodriguez, George Soule, Louise Sundin, Cheryl Tefer, Michael Vekich, and Chancellor Devinder Malhotra.

Absent: Samson Williams

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#### Call to Order

Chair Jay Cowles called the meeting to order at 11:46 am. He welcomed all trustees, presenters, participants and the audience statewide. He explained that Governor Walz's executive order 20-01 State of Minnesota peacetime emergency declaration remains in effect and is currently extended through July 13. For the foreseeable future meetings of the Board of Trustees will be conducted in accordance with Minnesota Statutes 13D.021 meetings by telephone or other electronic means. He also explained that meeting the requirement of the Open Meeting Law to have at least one board member to be physically present at the regular meeting location is not practical during the pandemic, nor is it advisable under the current conditions for the public to physically attend the regular meeting location. He informed everyone that the meeting materials, and live audio stream of the proceeding are available from the Board of Trustees website: <https://www.minnstate.edu/board/index.html>.

Representatives of the bargaining units and student associations were requested to submit their written testimony in advance of the meeting. All testimony was distributed to trustees for their review yesterday evening. He will recognize that the written testimony has been received later in the meeting.

Chair Cowles conducted a roll call of the trustees who were participating by telephone. They are: Ahmitara Alwal, Ashlyn Anderson, Alex Cirillo, Dawn Erlandson, Bob Hoffman, Jerry Janezich, April Nishimura, Rudy Rodriguez, George Soule, Louise Sundin, Cheryl Tefer, Michael Vekich, and Roger Moe.

#### Chair's Report

##### Opening remarks

Trustees,

This is the first time that this board has had the opportunity to meet since the brutal killing of Mr. George Floyd, in broad daylight, on one of our Minnesota streets.

I must tell you I was deeply shaken by the utter disregard for human life that was demonstrated by the actions of the police that day, which I can only explain as a vivid

expression of systemic racism. I experienced grief, outrage, a deep sense of loss, and a strong desire for action, as did our state and, indeed, the world. In the weeks since, I have come to believe that Mr. Floyd's death is serving as an inflection point for society, making uncomfortable conversations about race, racism, systemic oppression, and white privilege possible. We are witnessing a turning point in our history, I hope, and the wheels of change have been set into motion.

I recognize that, in the wake of the last few weeks' events, and frankly, after generations of oppression, many of the communities and individuals that Minnesota State serves are suffering a renewed trauma. I want these students, faculty, staff and community members to know that this board is committed to recognizing that pain and trauma, and learning from it to remove our own policy and cultural barriers that may be impeding a safe, supportive and successful educational journey for all of our students.

I am encouraged to see that so many leaders from throughout Minnesota State – both you, chancellor, as well as the college and university presidents and others – are approaching this work with humility and commitment, to listen, learn, and undertake the needed work in partnership with all the faculty, staff and students.

I am honored and proud to be a trustee for this system of colleges and universities. Our work for many years has been focused on providing accessible higher education through affordability, through geographically diverse locations, and by partnering with employers to ensure our programs produce graduates who are ready to hit the ground running on Day One. Our emphasis has grown stronger in recent years through our Equity 2030 commitment, as our faculty, staff, and leaders work with deep resolve to identify and remove barriers to success for our students of color and our American Indian students. The past few month's events, resulting from the Covid19 virus and then Mr. Floyd's death, have further underscored the need for these efforts.

Ultimately, Minnesota State will play a critical role, as a committed partner in making change within our society, by creating equal higher education success within all parts of our Minnesota community. I look forward to this work with all of you in the weeks, months, and years ahead.

Trustees, I plan on holding a series of presentations and training sessions throughout the coming year, utilizing both internal and outside experts, to deepen the Board and system's engagement with systemic racism and its cultural roots. In the next few days I will be working to shape an initial closed training session at our July meetings, to allow us to reflect together on recent events, and our Board path moving forward.

#### Report of Closed Session Meeting on the Chancellor's Annual Performance Review

Chair Cowles provided a report on the results of this morning's Closed Session on Chancellor Malhotra's performance this year at which the full board heard from the Chancellor's Performance Evaluation Committee.

The Chair thanked the members of the Committee – Trustees Erlandson, Moe and Vekich, as well as himself as Chair – for their thoughtful work this year. The Committee met first in November 2019 to review the revised draft of the Chancellor’s FY2020 Goals and Objectives, updated based on feedback to the original draft that he shared with the Trustees and Leadership Council in September at the Board Retreat. The Chancellor’s work plan of goals and objectives included all of the major initiatives underway, from equity and inclusion strategies, to campus and system innovation, from student success strategies to workforce development partnerships, advocacy and engagement on numerous fronts, and ongoing infrastructure projects such as NextGen and HR-TSM. The Committee members reviewed the Chancellor’s work plan, and agreed on a format for a year-end progress report.

The Committee met again on June 4, roughly two weeks ago, to review with the Chancellor his extensive year-end progress report, and then to discuss as a Committee our evaluation of the Chancellor and make some suggestions as he begins to plan for FY2021. This morning the Committee members shared their views with the full Board, and in turn heard unanimous support from the full Board for the Committee’s conclusions.

Those conclusions, in summary: the Board of Trustees considers Chancellor Malhotra to have performed at an exceptional level in his role and responsibilities this year, under very challenging circumstances. His vision, authenticity, communication skills, deep knowledge of Minnesota State, and warm personal manner have provided a critical touchstone for the faculty, staff, students and trustees during a time of systemic change and external disruptions for the system. He has assembled a strong, talented team and provided steady but challenging expectations for everyone, to create the future that students, and Minnesota, needs. Chancellor Malhotra is an authentic champion for the accomplishments of Minnesota State and its students, but also has a clear eye on Minnesota State’s unrealized potential, and an abiding passion for realizing that vision with Equity 2030 at the forefront. In summary: the Board expresses its full confidence and enthusiastic support for Chancellor Malhotra’s leadership.

In the Chancellor’s report to the Board at our May meeting, he announced his intention to take a 10% cut in his take-home salary in FY2021. The Board recognizes that decision as a strong leadership statement in this time of intense budget pressures and accepts the Chancellor’s decision.

Other remarks

Chair Cowles added the following point of information for trustees: The Outreach and Engagement Committee charter suggests that a review take place in June 2020. However, due to the press of business this spring he is postponing the Board’s

discussion and assessment of the Committee until the fall. The Committee will remain an interim committee until such a discussion takes place.

Chair Cowles called on Chancellor Malhotra for his report.

### **Chancellor's Report, Devinder Malhotra**

Chair Cowles, Vice Chair Moe, and members of the board,

We are living through an extraordinary period in time. Since we last met, the tragic and senseless death of George Floyd and the wave of protests have challenged each and every one of us as leaders and as educators to work towards ending historic inequalities and systemic racism. This work needs to be done with a sense of urgency and immediacy even though we are in the midst of a once-in-a-century pandemic.

To our African American students, colleagues, faculty, staff, and extended community: we recognize your anguish, anger, trauma, and the need to grieve. We are here to support you in this hour of your distress.

We all are witnessing and processing the events of the past weeks in varying ways. This moment of raw grief and anger calls for soul searching, and more importantly, action by all of us, both at a personal and professional level.

As a society and as institutions of higher education, we need to dismantle social constructs and structures, laws, practices and policies that have resulted in creating unacceptable disparities in every aspect of our existence, including education. The insidious nature of systemic racism has led to the large equity gaps in both access to higher education and student success.

I fully recognize that higher education cannot, by itself, root out longstanding societal ills, but if higher education is not the leader in this work, then who? As Dr. Martin Luther King Jr. stated, "The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education." And, as Nelson Mandela said, "Education is the most powerful weapon which you can use to change the world."

While understanding racism and its roots, questioning our own privilege and biases, and altering those systems and beliefs is a lifelong journey, that journey must begin with one step, and that is to develop the courage and the capacity to engage in difficult and needed conversations to assist with our work. We must turn the lens inward and examine Minnesota State's role broadly, and work towards the change needed to bring about greater equity, access, and empowerment for our students of Native and Indigenous origins, our students of color, and those who come from low income families.

Minnesota State continues to be committed to take actions to address systemic racism. Concretely this means ongoing anti-racism training and education for all stakeholder groups including my Cabinet, Leadership Council, faculty, staff, and students. It includes the review of our policies and procedures, utilizing an equity lens and including race and ethnicity as a critical dimension of that review. We will prioritize the ongoing review and redesign of our curriculum and academic programs including, but not limited to, law enforcement and criminal justice. We are creating a workgroup of faculty, campus administrators, students and community members to support the critical examination of current law enforcement curricula and pedagogy using an anti-racism and equity-focused lens. We will provide a more detailed report of this work to the Board at the next meeting.

We aspire to inclusive excellence as the defining characteristic of our work. This will require expansion of our efforts to support cultural competency, for promotion of multicultural understanding, to put in place inclusive management strategies, and move towards an anti-racist ethos in the workplace and in our learning spaces. All this work is integral to the success of our overarching goal of Equity 2030.

Chair Cowles and members of the board, I want to thank you for your leadership – for tackling difficult issues, for your continued guidance, and commitment to Minnesota State. It has been an extremely difficult, and emotionally exhausting, time to lead. As we reflect on the past three weeks, I’m further reminded of the burden of the last four months – to some it feels like years – the COVID-19 pandemic, and the economic fallout in its wake, has compelled us to face difficult choices and make tough and hard decisions. Here to our native communities and those of color have been disproportionately impacted. The leadership, expertise, and time commitment of this Board are deeply appreciated and valued all the more during these times.

#### **FY2021 budget and tuition freeze proposal**

As we turn to our finances, I want to thank Chair Moe, the trustees who serve on the Finance Committee, and Vice Chancellor Maki for the heavy lifting required to put together a budget during the most trying of times. I appreciate all the work, problem-solving, and creative thinking Bill Maki and his team have been doing in making the necessary updates and changes as we grapple with the many unknowns and manage the competing interests and priorities of our many stakeholders. The proposal to freeze undergraduate tuition for fall semester underscores our commitment to affordability. However, we have to balance this with providing our colleges and universities with resources to stay viable and to deliver exceptional education to all our students.

Our colleges and universities will be open for fall, ready to welcome students, both online and on campus, while implementing the necessary safety and health protocols.

Faculty and staff have been reaching out in new ways to connect in a virtual environment with current students, as well as prospective students, to ensure they have the latest information about our plans and are prepared to continue their educational journey.

One example to share: President Berndt, of Inver Hills Community College and Dakota County Technical College, along with other college leaders have been personally calling these students to touch base with them, let them know he's thinking about them, and to make sure they have the latest updates for fall. This gesture, to take the time to make a phone call – particularly during the pandemic – is meaningful.

Our presidents are focused on the success and well-being of our students and lead with care and compassion. They do this each and every day, and it matters more than it ever has before. Our presidents have been stepping up in ways that continue to move and inspire me. I'm deeply grateful for their innovation, commitment, and resilience to our students and our campus communities over the past several months. With their leadership, and the leadership of our faculty and staff, we will continue to serve our students to help them accomplish their goals and to reach their dreams.

#### **Outgoing trustees and changes in leadership**

We have several trustees and others whose appointments are ending in the coming months, and I want to thank you, and I am grateful to several of you who have expressed interest in continuing to serve. I also look forward to honoring your service when the transition time may present itself. In particular, I would like to thank Trustee Hoffman, who has served as a trustee for 12 years and has been here since the beginning of my chancellorship. He has chaired this Board and provided valuable counsel, advice, and – let's just say at times – blunt, but perhaps needed, advice. Trustee Hoffman has agreed to serve until a new appointment is made, though he has made clear that, in true Lyndon Johnson manner, he "shall not seek, and will not accept, the appointment for another term as trustee." Trustee Hoffman, you have given much of your time and energy to Minnesota State. I thank you for your service and for all your contributions. At a personal level, I have always enjoyed our conversations, and value our friendship.

I would also like to extend my appreciation to interim president Jeff Williamson for his leadership and tremendous contributions to North Hennepin Community College and the broader community. Jeff will return back to Minnesota West Community and Technical College, where I know the leadership lessons learned during this last year will be of great service to that community.

As you know, as Interim President Williamson steps down, the North Hennepin Community College community will be welcoming Dr. Rolando García. It is my understanding that he just completed a six-day road trip in an RV with his family and

two dogs traveling from Florida to Minnesota. I am, as I am sure he is, happy that he is safely in Minnesota. This is an exciting time for the college, and I look forward to working with him.

### **Title IX Lawsuit**

As I mentioned earlier, Minnesota State is fully committed to ending discrimination and racism in all of its forms, and to providing a safe, respectful, and supportive learning environment for all of our students. There is no level of discrimination, racism, or bias that is acceptable anywhere.

We believe in and support the clear and powerful language of Title IX, a law that prohibits sex discrimination in educational institutions. We support the action taken by Attorney General Keith Ellison to safeguard critical protections for survivors of sexual violence and assault by joining in a multi-state lawsuit challenging the Department of Education's final rule that undermines and weakens longstanding protections under Title IX. We will continue to advocate for policies that ensure safety and inclusivity for all our campus communities.

### **Conclusion**

In closing, we have immense challenges before us, and we will meet them with resilience and fortitude. I am confident our work will position Minnesota State to fulfill its innate potential and promise. I look forward to our continuing engagement and conversations with our campus leaders, faculty, staff, and students, and I am comforted by our collective partnership as we wrestle with the enormity of challenges facing us.

### **Consent Agenda**

Chair Cowles asked if anyone wanted to remove an item from the Consent Agenda, as shown below. No items were removed.

*Following a motion from Trustee Hoffman and a second from Trustee Janezich, a roll call vote was conducted and passed unanimously.*

- 1. Minutes of the Committee of the Whole, May 19, 2020 (pp. 312-322 of board packet)**
- 2. Revised FY2021 and Proposed FY2022 Board Meeting Dates, Second Reading (pp. 306-310 of board packet)**
- 3. Review and Approve Fiscal Year 2021 Auditing Plan (pp 20-34 of board packet)**
- 4. Contracts Exceeding \$1 Million**
  - a. CollegeSource Degree Audit Maintenance and Transferology Renewal, Academic and Student Affairs, System Office (pp. 112-113 of board packet)**
  - b. Contract for Bookstore Services, Metropolitan State University (pp. 114 of board packet)**

### **Board Policy Decisions**

Trustee Vekich moved approval of the board policy decisions. Trustee Janezich seconded the motion and the policy amendments were adopted unanimously on a roll call vote.

- 1. Proposed Amendment to Board Policy 3.34: Academic Semester Start Dates (pp. 74-77 of board packet)**
- 2. Proposed Amendment to Board Policy 5.17: Sustainability, Resources Conservation and Recovery, and Environmentally Responsible Practices (pp. 95-100 of board packet)**

### **Board Standing Committee Reports**

#### **Committee of the Whole, Jay Cowles, Chair**

Chair Cowles gave a brief report on the committee of the Whole meeting on the Minnesota state response to the COVID-19 crisis.

#### **Audit Committee, George Soule, Chair**

#### **Joint Meeting: Diversity, Equity, and Inclusion and Human Resources Committees, Co-Chairs Rodriguez and Vekich**

#### **Academic and Student Affairs Committee, Alex Cirillo, Chair**

#### **Facilities Committee, Jerry Janezich, Chair**

Committee Chair Janezich reported that the 2020-2022 Capital Program Guidelines were approved on the Consent Agenda. The committee had a brief discussion on how the Capital Program might look like in the future

#### **Finance Committee, Roger Moe, Chair**

Committee Chair Moe reported that the contracts for the Nursing Assessment Software Agreement at Minnesota State University, Mankato and the Exclusive Beverage Contract for Winona State University were approved on the Consent Agenda. The committee also heard a very sobering financial presentation from Vice Chancellor Maki who laid out a number of scenarios. It is very difficult to guess at this stage in the game where we are going to be financially so a number of options were laid out that we eventually could confront. I believe that we all should understand that we are facing a very difficult financial time ahead of us and fortunately we have great people that will help guide us through it. Also some very limited discussion about sequencing the financial decisions that we have to make and possibly pushing that out into the calendar year a little bit to give us even better projections of what might happen based upon this COVID-19 pandemic and as well as what will come out of the legislative session and as well as the federal actions.



### **Student Associations**

Written testimony was provided by President Oballa Oballa, LeadMN; State Chair Ola Abimbola, Students United. Their testimony is attached to these minutes.

### **Minnesota State Colleges and Universities Bargaining Units**

Written testimony was provided by President Tom Torgerud, American Federation of State, County, and Municipal Employees – Council 5; President Brent Jeffers, Inter Faculty Organization; President Matt Williams, Minnesota State College Faculty; and President Tracy Rahim, Minnesota State University Association of Administrative and Service Faculty. Their testimony is attached to these minutes.

### **Trustee Reports**

Trustee Rodriguez commented that he appreciates the communication from the chancellor. It is very well thought out and compassionate.

Trustee Tefer wanted to remind everyone to take a moment to reflect on the uncovering of equity disparities, economic and racial, across the United States. She commended the chancellor, presidents, and her board colleagues. Trustee Tefer added that we are on the right side of this historical event, and we are so well positioned to do the things that we want to do.

Trustee Janezich explained that things have been done very well, and he wanted to go on record saying that he thinks it unfair to ask the chancellor to do more and think it's okay for him to cut his pay by 10%. Trustee Janezich added that the chancellor should be rewarded for his hard work and success. The board has spent a lot of time over the last few years trying to give the chancellor position the value it deserves.

Chancellor Malhotra explained that it was his decision and it was taken after some reflection. He wanted to underscore we need to make sure that that we model what we are asking across the system to do the hard work and show solidarity with our faculty staff and students who are also going through some difficult times.

Trustee Williams thanked the board office and the entire system office on the consistent communication from the entire staff. He appreciated the information flow and being kept in the loop. He also commended the support of the board on behalf of the students.

Chair Cowles commended the trustees on the discussions and questions they asked during the committee meetings.

The annual meeting of the Board of Trustees is on June 17. The board will elect a chair and a vice chair. The Nominating Committee, Trustees Nishimura, Rodriguez, and Soule (chair), will forward its recommendations on or about May 17.

The next meeting of the Board of Trustees is scheduled for July 21-22. Chair Cowles noted that we tentatively anticipating a briefing at this meeting on law enforcement programs at Minnesota State.

Chair Cowles acknowledged Trustee Hoffman

**Other Business, Election of Officers**

Trustee Soule provided a report of the Nominating Committee's recommendations and motions.

**Adjournment**

The meeting adjourned at 12:46 PM.