



DIVERSITY AND MULTICULTURALISM COMMITTEE

JULY 20, 2011

9:00 A.M.

**BOARD 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 June 21, 2011** (pp. 1-4)
- (2) Diversity and Multiculturalism Division Update
- (3) Proposed Amendment to Board Policy 1B.3 Sexual Violence Policy (First Reading) (pp. 5-10)
- (4) Proposed Amendment to Board Policy 1B.4 Access for Individuals with Disabilities (Second Reading) (pp. 11-20)

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 MULTICULTURALISM COMMITTEE
MEETING MINUTES
June 21, 2011**

Diversity and Multiculturalism Committee Members Present: Trustees Louise Sundin, Chair; Duane Benson, Vice Chair; Jacob Englund; Alfredo Oliveira (by telephone); James Van Houten

Diversity and Multiculturalism Committee Members Absent: Trustee Christine Rice

Other Board Members Present: Trustees Cheryl Dickson, Clarence Hightower, David Paskach, Thomas Renier, Scott Thiss

Leadership Council Members Present: Whitney Stewart Harris, Executive Director; Phil Davis, President

A meeting of the Diversity and Multiculturalism Committee was held on June 21, 2011, at Wells Fargo Place, 4th Floor Board Room, 30 7th Street East, St. Paul. Chair Sundin called the meeting to order at 12:16 p.m.

1. Minutes of Minutes of April 19, 2011

The minutes of the April 19, 2011, meeting were approved as written. Trustee Van Houten requested that there be further follow up on the issue that was raised at the last meeting concerning civic education and education in American History. Dr. Harris said he has done some preliminary work on this issue; it will be on the work plan for the coming year.

2. Diversity and Multiculturalism Division Update

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

Education Training

• **Diversity Awards**

Seven colleges and universities within the Minnesota State Colleges and Universities system were honored for outstanding achievements in diversity. Those honored were Anoka-Ramsey Community College, Bemidji State University, Century College, North Hennepin Community College, Metropolitan State University, St. Cloud State University and Winona State University.

The awards' purpose is to recognize activities in diversity that support access, opportunity and success. The award is a monetary award which goes to the winning schools to support them in sharing their activities with other institutions. In response

to a question about accountability, Dr. Harris said that the division requires award winners to report back a year later.

- **Twin Cities American Indian Graduation Banquet**

The division participated in the Twin Cities American Indian Graduation Banquet, an event that honors American Indian students who graduate from post-secondary institutions within the Twin Cities greater metropolitan area. A number of students from system schools participate. Chancellor James McCormick was recognized in absentia for his continued support of American Indian students and American Indian Education.

- **American Indian Educators Summit**

The division hosted this summit, held in Nisswa. The summit included panels by American Indian education leaders and system presidents and focus group breakout sessions for student participants. Participants included representatives from kindergarten to postsecondary education.

In answer to questions, President Davis said that because of the location of his school there is a larger than average number of American Indian students attending the school and graduating, but this is a group that needs attention. What students are telling him, is that they need institutions that recognize the cultural differences. While this is important for many groups, it seems to be especially true for some American Indians. The American Indian Center at Minneapolis Community and Technical College is an important part of creating a welcoming environment.

Compliance

- The division has held another Decisionmaker Training session to assist with implementing the 1B.1 Nondiscrimination in Employment and Education Opportunity policy and accompanying procedure 1B.1.1.

3. Progress on Committee Goals

Trustee Sundin restated Diversity Goal 1: Increase the successful recruitment, persistence, completion and credit transfer of underrepresented students using Action Analytics and existing measures to evaluate the effectiveness of campus programs. She then called on Dr. Craig Schoenecker to present the first part of this agenda item.

Dr. Schoenecker said that a twofold approach is being used to address Goal 1:

- 1) A descriptive analysis of trends in enrollment; academic progress measures for underrepresented students; and retention, persistence and completion; and
- 2) Extensive statistical analysis.

The statistics used for comparison were from fiscal year 2007, the year before the Access, Opportunity and Success (AOS) funds were first allocated. Final figures presented at this

meeting are preliminary numbers for fiscal year 2011. For the categories of underrepresented students, the largest growth in enrollment was in Pell-eligible students; but there was also significant growth in most of the other categories of underrepresented students. More than half of the students in system colleges are from one or more of the underrepresented categories.

Analysis was conducted of the students who entered the system in 2009 and used Access, Opportunity, and Success services. These services include summer bridge programs, learning communities, and Intrusive Advising. Of those receiving services, 77 percent were underrepresented students. However, only about 20 percent of the underrepresented students received these services.

Analysis also shows that underrepresented students entering the Minnesota State system in 2009 had lower grade-point averages and first-year credit completion rates than those who were not in the underrepresented group. In answer to a question from Chancellor McCormick, Dr. Schoenecker said he suspects that it is accurate to say that as the system brings in a higher percentage of underrepresented students, it is bringing in more students who, though they may be talented, are not as prepared for college. This is probably also true of adult students who are returning in the wake of the recession.

Though the rate of second fall retention for underrepresented students is slightly lower than that of non-underrepresented students, the difference between the two groups was smaller in 2010 than in 2006. For persistence and completion, patterns are similar – modest improvements since the Access, Opportunity and Success funding began.

From the measurements, Dr. Schoenecker sees a preliminary positive relationship between the use of AOS services and the success of students, but the results are not conclusive. Data on the types of services received is not included in this presentation but will be included in future reports.

In summary: (1) There have been substantial increases across all categories in underrepresented student access. (2) Approximately 10,000 students received AOS services in fiscal year 2010. (3) There have been modest increases in retention, persistence and completion rates for underrepresented students. (4) Work on the statistical analysis is continuing.

Trustee Sundin called on Dr. Harris to present on Goal 2, formerly the “R” Factor program, now called Resources for Relationships. This project is designed to reward campuses for building relationships that support student engagement and success of underrepresented students. Dr. Harris said that the Resources for Relationships program was originally planned to be coupled with the systemwide Resources for Results program, currently being developed. However, Resources for Relationships will be run as a pilot program next year.

4. 2011 Office of the Chancellor Performance Report – Diversity and Multiculturalism Division

Trustee Sundin reiterated some of the accomplishments of the Diversity and Multiculturalism division in fiscal year 2011: Enrollment of underrepresented students increased by 29 percent. The division provided approximately 120 administrators and staff members with Investigator and Decisionmaker training. It also completed four U.S. Department Office for Civil Rights campus reviews and conducted four webinars for the system. She also highlighted significant improvements in enrollment of underrepresented students.

Dr. Harris said that most of the division work is in support of the campuses, training and compliance work. President Davis added that the division is especially useful to small campuses that may not have the resources to conduct independent investigations or reviews.

The meeting adjourned at 1:03 p.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: July 20, 2011

Agenda Item: Proposed Amendment to Board Policy 1B.3 Sexual Violence Policy
(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 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 first 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(FIRST 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, 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.

35 **Subpart B. College and university policies.** Each Minnesota State Colleges
36 and Universities college and university shall adopt a clear, understandable written
37 policy on sexual violence that applies to its campus community, including, but not
38 limited to, its students and employees. The policy content and implementation
39 shall be consistent with the standards in this Policy and Procedure 1B.3.1.
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41 **Part 2. Definitions.**

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43 The following definitions apply to this Policy and Procedure 1B.3.1.
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45 **Subpart A. Sexual violence.** Sexual violence includes a continuum of conduct
46 that includes sexual assault, and non-forcible sex acts, as well as aiding acts of
47 sexual violence.
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49 **Subpart B. Sexual assault.** “Sexual assault” means an actual, attempted, or
50 threatened sexual act with another person without that person’s consent. Sexual
51 assault is often a criminal act that can be prosecuted under Minnesota law, as well
52 as form the basis for discipline under Minnesota State Colleges and Universities
53 student conduct codes and employee disciplinary standards. Sexual assault
54 includes but is not limited to:
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- 56 1. Involvement without consent in any sexual act in which there is force,
57 expressed or implied, or use of duress or deception upon the victim. Forced
58 sexual intercourse is included in this definition, as are the acts commonly
59 referred to as “date rape” or “acquaintance rape.” This definition also includes
60 the coercing, forcing, or attempting to coerce or force sexual intercourse or a
61 sexual act on another.
- 62 2. Involvement in any sexual act when the victim is unable to give consent.
- 63 3. The intentional touching or coercing, forcing, or attempting to coerce or force
64 another to touch an unwilling person’s intimate parts (defined as primary
65 genital area, groin, inner thigh, buttocks, or breast).
- 66 4. Offensive sexual behavior that is directed at another such as indecent
67 exposure or voyeurism.
68

69 **Subpart C. Consent.** Consent is informed, freely given and mutually
70 understood. If coercion, intimidation, threats, and/or physical force are used,
71 there is no consent. If the complainant is mentally or physically incapacitated or
72 impaired so that the complainant cannot understand the fact, nature, or extent of
73 the sexual situation, ~~and the condition was known or would be known to a~~
74 ~~reasonable person~~, there is no consent; this includes conditions due to alcohol or
75 drug consumption, or being asleep or unconscious. Whether the respondent has
76 taken advantage of a position of influence over the complainant may be a factor in
77 determining consent.
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79 **Subpart D. Non-forcible sex acts.** Non-forcible acts include unlawful sexual
80 acts where consent is not relevant, such as sexual contact with an individual under

81 the statutory age of consent, as defined by Minnesota law, or between persons
82 who are related to each other within degrees wherein marriage is prohibited by
83 law.

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

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

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

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

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

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

112
113 *Date of Adoption:* 04/21/04

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

115 *Subject and Date of Revision XX/XX/XXXX The changes made are to clarify policy and*
116 *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: July 20, 2011

Agenda Item: Proposed Amendment to Board Policy 1B.4 Access for Individuals with Disabilities (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 clarifies policy language. In addition, the definition of disability was modified to more closely reflect Minnesota law rather than federal law.

Background Information:

The proposed policy is a second reading to amend Policy 1B.4 Access to Individuals with Disabilities.

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

BOARD ACTION

**PROPOSED AMENDMENT TO BOARD POLICY 1B.4 ACCESS FOR
INDIVIDUALS WITH DISABILITIES (SECOND READING)**

INTRODUCTION

The Office of the Chancellor is submitting an amendment to Policy 1B.4 Access for Individuals with Disabilities.

BACKGROUND

The Board of Trustees approved this policy in 1995. During the cyclical review of this policy, the language has been amended to include both accommodations and accessibility and to reflect the definition of persons with disabilities under Minnesota state law.

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 February 16, 2011 and May 18, 2011 for review and comment.
 - Presidents
 - Cabinet
 - Chief Academic Officers
 - Chief Diversity Officers
 - Chief Human Resources Officers
 - Disability 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.4 Access for Individuals with Disabilities.

BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES

BOARD POLICY	
Chapter 1B.	SYSTEM ORGANIZATION AND ADMINISTRATION EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITY
Section 4.	Access <u>and Accommodation</u> for Individuals with Disabilities

1 **1B.4 ACCESS AND ACCOMMODATION FOR INDIVIDUALS WITH**
2 **DISABILITIES**

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4 **Part 1. Policy Statement.**

5
6 Minnesota State Colleges and Universities is committed to ensuring its programs, services
7 and activities are accessible to individuals with disabilities, through its compliance with
8 state and federal laws. The system recognizes that individuals with disabilities may need
9 accommodations to have equally effective opportunities to participate in or benefit from
10 the system's programs, services and activities.

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12 **Part 12. Definitions.**

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14 **Subpart A.** An individual with a disability:

- 15 1 Any person who has a physical or mental impairment which substantially
16 materially limits one or more of the person's major life activities.
17 2. Any person who has a record of such impairment which means that a person
18 has a history of or has been classified as having a mental or physical
19 impairment that substantially materially limits one or more major life
20 activities.
21 ~~3. Any person who is regarded as having such an impairment which means:~~
22 ~~a. Has a physical or mental impairment that may not substantially limit major~~
23 ~~life activities but that is treated by others as constituting such a limitation;~~
24 ~~b. Has a physical or mental impairment that substantially limits major life~~
25 ~~activities only as a result of the attitudes of others toward such impairment;~~
26 ~~c. Has no impairment but is treated by others as having such an~~
27 ~~impairment.~~

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29 ~~**Subpart B.** Personal devices and services: Examples of personal devices and services~~
30 ~~include wheelchairs; individually prescribed devices, such as prescription eyeglasses or~~
31 ~~hearing aids; readers for personal use or study; or services of a personal nature~~
32 ~~including assistance in eating, toileting, or dressing.~~

33 ~~Subpart C. Qualified individual with a disability. A person~~ An individual who,
34 with or without reasonable modifications to rules, policies, or practices, the removal of
35 architectural, communication, or transportation barriers, or the provision of auxiliary
36 aids and services, meets the essential eligibility requirements for receipt of services or
37 participation in a system office, college, or university program or activity. Essential
38 eligibility requirements include, but are not limited to, academic and technical
39 standards requisite to admission or participation in an education program or activity.

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41 Subpart C. Program devices and services may include wheelchairs; individually
42 prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal
43 use or study; or services of a personal nature including assistance in eating, toileting, or
44 dressing.

45
46 **Part 23. General Access Policy.**

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48 ~~The system office, colleges~~ Colleges, and universities ~~and the system office will~~ shall
49 provide access to programs, services and activities to qualified individuals with known
50 disabilities as required by law. ~~Where an~~ An individual requesting ~~asks for an~~
51 accommodation, ~~the system office, college, or university may be~~ required the individual to
52 provide documentation of eligibility for the accommodation.

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54 **Part 34. Availability and Notice.**

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56 ~~Each college~~ Colleges, and university ~~universities, and the system office shall~~ shall post notices
57 to the public in an accessible format ~~to the public describing~~ stating 1) ~~college or~~
58 ~~university~~ a prohibition against discrimination on the basis of disability; and 2) ~~college or~~
59 ~~university~~ contact information for the person designated to provide information about or
60 respond to requests for requesting ~~reasonable accommodation, or information.~~

61
62 **Part 45. Reasonable Accommodations. to Ensure Access to Programs, Services, and**
63 **Activities.**

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65 Subpart A. Programs, Services, and Activities. ~~The system office, colleges~~ Colleges,
66 ~~and universities and the system office shall~~ shall make reasonable accommodations to ensure
67 access to programs, services, and activities as required by law. Access means that a
68 qualified individual with a disability will not be excluded from participation in or be
69 denied the benefits of the programs, services, ~~programs,~~ or activities, nor will the
70 individual be subjected to discrimination. Reasonable accommodations may include
71 modifications to: rules, policies, or practices; the removal of architectural,
72 communication, or transportation barriers; provision of auxiliary aids or the provision
73 of equally effective programs, services, or activities. In accordance with the Americans

74 with Disabilities Act, accommodations will **not** be provided 1) for personal devices
75 or services even though the individual may be a qualified individual with a disability,
76 or 2) that result in a fundamental alteration in the nature of a service, program, or
77 activity or in undue financial or administrative burdens.

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79 **Subpart B. Employment.** System Procedure 1B.0.1, Reasonable Accommodations in
80 Employment, applies to accommodation requests by employees and applicants for
81 employment.

82
83 **Part 56. Offered and/or Sponsored Services or Activities for Qualified Students with**
84 **Disabilities.**

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86 Colleges and universities have a responsibility to provide a qualified student with a
87 disability access to services and/or activities that are operated or sponsored by the ~~college~~
88 ~~or university~~institution or that receive significant assistance from the ~~college or~~
89 ~~university~~institution. Such access shall be provided in a reasonable manner as required by
90 law. At a minimum, the following must be ~~offered to~~available to qualified students with
91 disabilities:

- 92 1) support, counseling, and information services that may include support groups,
93 individual counseling, career counseling and assessment, and referral services;²
- 94 2) academic assistance services that may include assistive devices, early registration
95 services, early syllabus availability, course selection, program advising, course
96 work assistance, testing assistance and modification, and tutoring;² and
- 97 3) coordination services that may include personnel acting on the student's behalf and
98 serving as the primary contact and coordinator for students needing services,
99 assistance in working individually with faculty and administrators, intervention
100 procedures, and grievance procedures.

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102 **Part 67. ProcedureProcess.**

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104 ~~In consultation with the system office, each~~Each college and university shall establish a
105 ~~procedure~~process for an individuals with a disabilities to ~~make~~ requests ~~for an~~
106 accommodations to access the institution's programs, services, or activities consistent with
107 state and federal laws. ~~Such procedure~~The process for access to programs for individuals
108 with disabilities to request an accommodation must, at a minimum include the following:

- 109 a. Provide the requesting individual with a copy of Board Policy 1B.4. ~~The system~~
110 ~~policy statement and system definitions.~~
- 111 b. Assignment and identification of a staff member responsible for making a
112 determinationadministering about the request for accommodation or the delivery of
113 services, to individuals with disabilities.
- 114 c. Provide a process for appealing a denial of a request for accommodation. ~~program~~
115 ~~access.~~

Date of Implementation: 7/1/95
Date of Adoption: 6/20/95

Subject and Date of Revision: 6/X/XX New Part 1 – added policy statement. Parts 2-7 are for language clarification.

References:

- Minnesota Statutes Chapter 135A.16
- Minnesota Statutes Chapter 363A.03
- System Procedure 1B.0.1, Reasonable Accommodations in Employment

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

BOARD POLICY	1B.4
Chapter 1B. SYSTEM ORGANIZATION AND ADMINISTRATION EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITY	
Section 4. Access and Accommodation for Individuals with Disabilities	

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**1B.4 ACCESS AND ACCOMMODATION FOR INDIVIDUALS WITH
DISABILITIES**

Part 1. Policy Statement.

Minnesota State Colleges and Universities is committed to ensuring its programs, services and activities are accessible to individuals with disabilities, through its compliance with state and federal laws. The system recognizes that individuals with disabilities may need accommodations to have equally effective opportunities to participate in or benefit from the system’s programs, services and activities.

Part 2. Definitions.

Subpart A. An individual with a disability:

1. Any person who has a physical or mental impairment which materially limits one or more of the person’s major life activities.
2. Any person who has a record of such impairment which means that a person has a history of or has been classified as having a mental or physical impairment that materially limits one or more major life activities.

Subpart B. Qualified individual with a disability. An individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services or participation in a system office, college, or university program or activity. Essential eligibility requirements include, but are not limited to, academic and technical standards requisite to admission or participation in an education program or activity.

Subpart C. Program devices and services may include wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

35 **Part 3. General Access Policy.**

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37 Colleges, universities and the system office shall provide access to programs, services and
38 activities to qualified individuals with known disabilities as required by law. An
39 individual requesting an accommodation may be required to provide documentation of
40 eligibility for the accommodation.

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42 **Part 4. Availability and Notice.**

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44 Colleges, universities, and the system office shall post notices to the public in an
45 accessible format stating 1) prohibition against discrimination on the basis of disability,
46 and 2) contact information for the person designated to provide information about or
47 respond to requests for reasonable accommodation.

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49 **Part 5. Reasonable Accommodations.**

50

51 **Subpart A. Programs, Services, and Activities.** Colleges, universities and the
52 system office shall make reasonable accommodations to ensure access to programs,
53 services, and activities as required by law. Access means that a qualified individual
54 with a disability will not be excluded from participation in or be denied the benefits of
55 the programs, services, or activities, nor will the individual be subjected to
56 discrimination. Reasonable accommodations may include modifications to: rules,
57 policies, or practices; the removal of architectural, communication, or transportation
58 barriers; provision of auxiliary aids or the provision of equally effective programs,
59 services, or activities. In accordance with the Americans with Disabilities Act,
60 accommodations will not be provided 1) for personal devices or services even though
61 the individual may be a qualified individual with a disability, or 2) that result in a
62 fundamental alteration in the nature of a service, program, or activity or in undue
63 financial or administrative burdens.

64

65 **Subpart B. Employment.** System Procedure 1B.0.1, Reasonable Accommodations
66 in Employment, applies to accommodation requests by employees and applicants for
67 employment.

68

69 **Part 6. Offered and/or Sponsored Services or Activities for Qualified Students with**
70 **Disabilities.**

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72 Colleges and universities have a responsibility to provide a qualified student with a
73 disability access to services and activities that are operated or sponsored by the institution
74 or that receive significant assistance from the institution. Such access shall be provided
75 in a reasonable manner as required by law. At a minimum, the following must be
76 available to qualified students with disabilities:

- 77 1) support, counseling, and information services that may include support groups,
78 individual counseling, career counseling and assessment, and referral services;

- 79 2) academic assistance services that may include assistive devices, early registration
80 services, early syllabus availability, course selection, program advising, course
81 work assistance, testing assistance and modification, and tutoring; and
82 3) coordination services that may include personnel acting on the student's behalf
83 and serving as the primary contact and coordinator for students needing services,
84 assistance in working individually with faculty and administrators, intervention
85 procedures, and grievance procedures.
86

87 **Part 7. Process.**
88

89 Each college and university shall establish a process for an individual with a disability to
90 request an accommodation to access the institution's programs, services, or activities
91 consistent with state and federal laws. The process for individuals with disabilities to
92 request an accommodation must, at a minimum include the following:

- 93 a. Provide the requesting individual with a copy of Board Policy 1B.4.
94 b. Assignment and identification of a staff member responsible for making a
95 determination about the request for accommodation or the delivery of services.
96 c. Provide a process for appealing a denial of a request for accommodation.

Date of Implementation: 7/1/95

Date of Adoption: 6/20/95

Subject and Date of Revision: 6/X/XX *New Part 1 – added policy statement. Parts 2-7
are for language clarification.*

References:

- Minnesota Statutes Chapter 135A.16
- Minnesota Statutes Chapter 363A.03
- System Procedure 1B.0.1, Reasonable Accommodations in Employment