

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES
DIVERSITY AND EQUITY
MEETING MINUTES
October 23, 2012**

Diversity and Equity Committee Members Present: Alexander Cirillo, Chair; Trustees Cheryl Dickson, Vice Chair; Duane Benson, Louise Sundin

Diversity and Equity Committee Members Absent: Ann Anaya, Alfredo Olivera, Maria Peluso

Other Board Members Present: Clarence Hightower, Elise Ristau

Leadership Council Members Present: Steven Rosenstone, Chancellor; Gail M. Olson, General Counsel

A meeting of the Diversity and Equity Committee was held on October 23, 2013 at Minnesota State Colleges and Universities, 4th Floor, McCormick Room, 30 7th Street East, St. Paul. Committee Chair Alexander Cirillo called the meeting to order at 10:01 a.m.

1. Review of Minutes

The minutes of the November 14, 2012 meeting were approved as written.

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

Committee Chair Cirillo introduced the 1B.3 Sexual Violence Policy and said it had been originally drafted in 2004 and amended in 2011. He then invited Diversity and Equity Associate Director Renée Hogoboom to walk through the proposed changes.

Ms. Hogoboom stated that this was the first reading of proposed changes to the Sexual Violence Policy. She stated that the Board of Trustees had last amended the policy in 2011. That revision was due to a “Dear Colleague” letter issued by the U.S. Department of Education. At that time the policy was reviewed and some minor revisions were made to comport with the letter. On March 7, 2013 President Obama signed into law the Violence Against Women Reauthorization Act. The campus Sexual Violence Elimination Act (SaVE Act) was added within the reauthorization and imposes new regulations on our colleges and universities. The proposed policy includes definitions of stalking, dating and relationship violence. This is the only proposed amendment to the policy. The rest of the regulations will be addressed in the 1B.3.1 Sexual Violence Procedure.

Trustee Benson inquired if the policy was restricted to students and employees, or if it also applied to others; and if it applied to incidents that happened on our grounds. Ms. Hogoboom stated that if an incident happened on our grounds, and the alleged perpetrator was not a student or employee, we would contact law enforcement. General Counsel Olson concurred and stated that this creates special obligations for us with regard to our students.

Trustee Benson asked if there is a penalty for not notifying law enforcement immediately. Ms. Olson explained the Department of Education could take action against a college or university for not taking appropriate action, such as calling law enforcement. She added that we are hoping to get more direction from the Department of Education regarding their expectations when rules about these regulations are released sometime this fall. Ms. Olson stated that we have spent a lot of time on this issue, not only in researching federal law requirements, but also in applying them in our policy.

Trustee Benson inquired about the criminal implication of any of our institutions, for failing to report immediately.

Ms. Olson replied the potential criminal issues would involve vulnerable adults and children; because we are mandated reporters, there is an obligation to report abuse or violence toward children or vulnerable adults. If we don't report these types of incidents, there could be potential criminal charges. She stated that if a sexual assault occurred on campus that didn't involve employees or students, and we didn't report it, she was not sure there would be a criminal sanction possible against the university or its employees. However, she assured the Board that she could not imagine that happening.

Trustee Dickson asked if the definitions came from the law, the "Dear Colleague" letter, state statute, or if they had been created. Ms. Hogoboom said the definitions were created to conform to the law.

Committee Chair Cirillo inquired about the frequency of incidents per year that involve this policy.

Ms. Hogoboom stated she did not have the specific data but that every college and university in this country that receives any type of financial aid is required to do an annual Clery Act Report; Ms. Hogoboom said she could provide the data to Committee Chair Cirillo.

The meeting adjourned at 10:07 a.m.

Respectfully submitted by Christine McGing