



Operating Instruction 1B.1.1.1 College and University Data Disclosures for Annual Report

Part 1. Purpose

To provide instructions for data collection within Minnesota State Colleges and Universities for discrimination and discriminatory harassment reports and complaints. These operating instructions are established and revised by the designated officers within each Minnesota State college and university and updated as needed.

Part 2. Authority

System Procedure 1B.1.1, Part 11. requires an Annual Report to the Board of Trustees.

Part 3. Data Disclosure for Annual Report

These instructions will assist the designated officers at each Minnesota State college and university. This information includes specifications for reporting the required data to the system office for the annual report.

To fulfill the requirement as established in Part 11, the designated officers at each Minnesota State college and university shall use the 1B.1.1 Report Form to provide data regarding specific matters reported within the scope of board policies 1B.1 and 1B.3 and system procedure 1B.1.1. The data collected from the individual colleges and universities will be compiled for summary by Equal Opportunity and Compliance department and the Office of General Counsel for annual reporting to the Minnesota State Board of Trustees of categories of reports, complaints, and resolutions.

The Minnesota Administrative Rule (MAR) 3905.0500 requires Minnesota State Colleges and Universities to provide dispositions of complaints per board policy and system procedure. With the information provided from campus submissions to the system office, the Equal Opportunity and Compliance department within the system office shall create and submit all relevant reports for individual colleges and universities to the Minnesota Department of Management and Budget (MMB) as delegated by MMB State Director of Equal Opportunity, ADA, Diversity, and Inclusion.

Subpart A. Data Element Definitions



1. **1B.1.1 Report Form:** this form is to make submissions to the system office regarding intakes or investigations based on complaints evaluated under the scope of board policy and resolved through system procedure 1B.1.1. The use of the word “report” in this title is in reference to the action of providing data to the system office; it does not reflect the classification of data being requested on the form.
2. **Report:** verbal or written statement, made by any person, providing information to the Designated Officer or Title IX Coordinator about conduct that could constitute protected class-based discrimination, harassment (including sexual harassment), and related retaliation 2 and that has occurred or is occurring in an education program, activity, or service of the institution
 - i. Most “reports” will not be submitted via the 1B.1.1 Report Form. Given the nature of these matters (e.g., situations where a complainant is considering whether or not to make a complaint, only seeking supportive measures, or inquiring about how the process works, as well as informal inquiries), limited information may be kept but not actionable through system procedure 1B.1.1 at the time. Furthermore, situations where individuals only seek supportive measures or inquire about the process.
 - ii. For the necessary reporting under Rule 3905.0500 as cited above, an additional solicitation for data collection will occur between January 1 through January 20 to ensure an accurate submission to MMB from Minnesota State. This solicitation will be aligned with MMB requirements.
3. **Complaint:** verbal or written statement alleging protected class-based discrimination, discriminatory harassment (including sexual harassment), and related retaliation within the scope of Board Policy 1B.1, Part 2. Applicability.
4. **Designated Officer:** as defined within system procedure 1B.1.1; this person may also be the Title IX Coordinator or Deputy at the institution; the individual responsible for ensuring timely and accurate data submissions to the system office per these instructions
5. **Discrimination:** as defined within board policy 1B.1
6. **Discriminatory Harassment:** as defined within board policy 1B.1
7. **Sexual Harassment:** as defined within board policy 1B.1
8. **Sexual Misconduct per 1B.3:** as defined by board policy 1B.3 and system procedure 1B.3.1, consisting of prohibited conduct on the basis of sex, formerly referred to as “sexual violence,” including sexual assault, non-forcible sex acts, dating, intimate partner and relationship violence, stalking, sexual exploitation, Title IX sexual harassment, as well as aiding acts of sexual misconduct.
9. **Protected Class:** as defined within board policy 1B.1 regarding Minn. Stat. § 363A.03
10. **Retaliation:** as defined within board policy 1B.1
11. **Involved party identities (Complainant and Respondent):** as defined within board policy 1B.1, including employees (i.e., faculty, staff, administrator, president), students (as defined in board policy 3.6), and others (i.e., vendors, visitors, etc.)
12. **Date of Complaint:** the date the Designated Officer, designee, or designated repository documented the complaint

- 13. Final disposition:** the final outcome of system procedure 1B.1.1, when available appeals, hearings, and grievance proceedings (including those allowed for in the applicable collective bargaining agreement) were exhausted and the decision of the complaint was concluded.
- i. **No basis to proceed.** At any point in the review, inquiry, or investigation of the provided information, a determination that an investigation must not proceed. Some examples include, but are not limited to, limited information in the report and a reporting party that does not respond or participate in the process, or the alleged conduct is outside of the scope of board policy 1B.1 and system procedure 1B.1.1 and regardless of a referral to another process (if appropriate).
 - ii. **Informal resolution.** As allowed for in system procedure 1B.1.1, the use of education, training, voluntary participation in a negotiated agreement, or other alternative resolution processes.
 - iii. **No finding of policy violation.** After an investigation, a determination by a decision-maker that there was no violation of board policy 1B.1.
 - iv. **Finding of policy violation.** After an investigation, a determination by a decision-maker that there was a violation of board policy 1B.1.
- 14. Final date:** the date when the outcome of system procedure 1B.1.1 was determined to be final

Subpart B. Data Report Scope

1. Instructions for Submitting Data

- i. **Scope of submissions.** The information required for submission is primarily that which has been provided to the college/university within the scope of discrimination and discriminatory harassment (including sexual harassment). However, a complaint to the Designated Officer, and occasionally the Title IX Coordinator, may not meet the elements of the specific policy and/or procedure. As such, the information made via a report or complaint may be referred to another relevant policy or procedure.
 - a. There may be matters that were made within the scope of board policy 1B.3 Sexual Misconduct that do not meet the elements required to be addressed through system procedure 1B.3.1, which may then be referred to system procedure 1B.1.1.
 - b. Per MAR 3905.0500 requirements: The State of Minnesota is an equal opportunity employer. Equal opportunity means that an applicant or employee cannot be treated unfairly because of personal characteristics that are protected under the law. Protected characteristics include: race, color, national origin, religion, creed, sex, marital status, familial status, sexual orientation, age, disability, status with regard to public assistance, and membership or activity in a local human rights organization. These are required for applicants, eligibles, and employees (excluding students). This fits within the scope of board policy 1B.1 and system procedure

1B.1.1 and will be submitted by the system office to MMB following the data collection from the college and university designated officers.

- ii. **Clarification regarding categories.** The categories listed in the question regarding protected classes are those identified within board policy 1B.1. However, there are a few that allow for clarity, further defined as follows:
 - a. **Sex, specifically pregnancy, child birth, and related medical conditions:** Policy 1B.1 specifically identifies pregnancy and parenting within the scope of sex. Selecting this entry does not require also selecting “Sex” unless there are additional matters noted in the complaint.
 - b. **Sex, specifically sexual assault, domestic or dating violence, stalking, or sexual exploitation outside the scope of Procedure 1B.3.1:** There are times when a complaint is made under board policy 1B.3 Sexual Misconduct; however, it may not meet the elements as defined by policy and then may be referred to the system procedure 1B.1.1 resolution process. Selecting this entry does not require also selecting “Sex” unless there are additional matters noted in the complaint.
 - c. **Not specified (limited report):** Occasionally, a complaint may be submitted without a specific protected class identified and no contact or response to outreach that would allow for clarification. In these situations, the Designated Officer or designee shall select “Not specified (limited report)” in response to the question of protected class category.
 - iii. **Investigation specific questions.** There are questions specific to the investigation, if there was one. This information is intended to increase the context and reportability of the data, specifically related to the work associated with these matters. This information will also be useful in strategic planning related to system office-provided investigator training and the shared services process for investigator and decision-maker requests and assignments across the system.
2. **Reporting Schedule.** The following provides the parameters for the implementation and use of the 1B.1.1 Report Form by each college and university.
- i. The implementation of this form will include matters submitted as early as January 1, 2024, as the “initial date.” Matters shall be reported on an ongoing basis following this date.
 - ii. The submission of reports and complaints must be made within 30 days of the final determination or “final date.” This will allow the Equal Opportunity and Compliance department to review and respond to data disclosures to the Board of Trustees and MMB.
 - iii. The Equal Opportunity and Compliance department will conduct regular audits (e.g., quarterly) with individual institutions to verify and solicit updates of reports, along with seeking feedback regarding the report process.
 - iv. The annual report to the Board of Trustees will be proposed for the June Board meeting to provide a fiscal year overview (July through June).
3. **Data Privacy.** The Equal Opportunity and Compliance department adheres to current federal and state data privacy laws to protect the privacy of individuals,

- including students, employees, and visitors. Reports and data required for this data collection will be prepared and published as summary data, as defined in State of Minn. Stat. § 13.02, Subd. 19, and will be consistent with federal and state laws governing access to educational data and student privacy.
4. **Disclaimer.** The categories of incidents and college/university responses required by this data collection are informed by board policies 1B.1 and 1B.3, along with system procedure 1B.1.1. Institutional responses are guided by collective bargained agreements, state statutes, and federal laws. The reports or complaints of matters within the scope of state or federal law that require a specific action, such as mandated reporting or specific grievance processes, may be beyond the scope of data reported on the 1B.1.1 Report Form. In addition, updates may be made to the 1B.1.1 Report Form based on feedback from the Board of Trustees, following the annual report presentation, and when relevant, based on board policies and system procedures changes.

Subpart C. 1B.1.1 Report Form. The form is modeled after the MMB Internal Complaint Disposition Report form. The following information is requested on the 1B.1.1 Report Form:

- College or university for the submission
- Name, title, and email address of the person providing the submission
- Category/categories of the complaint (inclusive list of protected classes based on board policy 1B.1)
- Identities of the complainant and respondent (faculty, staff, student, administrator, president, other)
- Final disposition and date thereof (no basis to proceed, informal resolution, no finding of policy violation, and finding of policy violation)
- Investigation specific questions, if relevant
- Identification of additional considerations of this matter (Clery, Mn OHE, and MMB reportability)
- Comments box, for text and/or notation of correlating case file for record-keeping and/or audit purposes

Subpart D. Points of Contact. The Equal Opportunity and Compliance department is within the Human Resources Division at the system office of Minnesota State. In collaboration with other areas, this office provides training to the designated officers, investigators, and decision-makers as identified by board policies 1B.1 and 1B.3 in adherence to system procedure 1B.1.1. The team within the Equal Opportunity and Compliance department and Office of General Counsel organizes and supports the training and guidance for the practitioners on the individual campuses. Anyone with questions about fulfilling the requirements detailed within this document should contact the following:

- System Director for Equal Opportunity and Compliance
 - Director for Equal Opportunity Initiatives
 - General Counsel
-

Date of Adoption: 08/27/25
Date of Implementation: 08/27/25
Date of Last Review:

Date and Subject of Amendments:

No Additional HISTORY.