



MINNESOTA STATE

Board of Trustees

30 East 7th Street
St. Paul, MN 55101

651-201-1705

Special Board of Trustees Meetings February 21, 2018



Minnesota State is an affirmative action, equal opportunity employer and educator.



Board of Trustees Meeting Schedule

Wednesday, February 21, 2018

Minnesota State

30 7th Street East, St. Paul, Minnesota

Fourth Floor, McCormick Room

Unless noticed otherwise, all meetings are in the McCormick Room on the fourth floor. Committee and board meeting times are tentative. Meetings may begin up to 45 minutes earlier than the times listed if a committee meeting concludes its business before the end of its allotted time slot. In addition to the board or committee members attending in person, some members may participate by telephone.

Wednesday, February 21, 2018

- 9:00 AM Closed Session: Human Resources Committee, Dawn Erlandson, Chair
Pursuant to Minn. Stat. § 13D.03, (2017) Closed Meetings for Labor Negotiations Strategy (Minnesota Open Meeting Law)
- Labor Negotiations Strategy
- 9:30 AM Human Resources Committee, Dawn Erlandson, Chair
- **Approval of 2017-2019 Inter Faculty Organization Bargaining Contract**
- 9:45 AM Joint Diversity, Equity, and Inclusion and Human Resources Committees
Ann Anaya and Dawn Erlandson, Co-Chairs
- Proposed Amendment to Policy 1B.3 Sexual Violence Policy
(First Reading)
*Possible Approval
- 10:30 AM Board of Trustees Meeting
- 11:00 AM Meeting ends

BOLD denotes action items





MINNESOTA STATE

Human Resources Committee
Closed Session
February 21, 2018
9: 00 AM
McCormick Room

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.

Closed Session Pursuant to Minn. Stat. § 13D.03 (2017) Closed Meetings for Labor Negotiations Strategy (Minnesota Open Meeting Law)

- Labor Negotiations

Committee Members:

Dawn Erlandson, Chair
Rudy Rodriguez, Vice Chair
Basil Ajuo
Alexander Cirillo
Robert Hoffman
Roger Moe
Cheryl Tefer

Bolded items indicate action is required.



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

Name: Human Resources Committee

Date: February 21, 2018

Title: Closed Session

Purpose (check one):

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

Brief Description:

The Human Resources Committee will meet in closed session to discuss labor negotiations strategy.

Sue Appelquist, Interim Vice Chancellor for Human Resources
Chris Dale, Senior System Director for Labor Relations

1 **BOARD OF TRUSTEES**
2 **MINNESOTA STATE COLLEGES AND UNIVERSITIES**
3

INFORMATION ITEM
CLOSED SESSION

4
5 **BACKGROUND**

6
7 In closed session, the Human Resources Committee will hear the current status of
8 negotiations and will discuss bargaining strategy.

9
10 *Pursuant to Minnesota Statutes § 13D.03, Closed Meetings for Labor Negotiations*
11 *Strategy (Minnesota Open Meeting Law) (2017)*
12

13
14 *Date: February 21, 2018*



MINNESOTA STATE

Human Resources Committee
February 21, 2018
9:30 AM
McCormick Room

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. Approval of the 2017-2019 Inter Faculty Organization Bargaining Contract

Committee Members:

Dawn Erlandson, Chair
Rudy Rodriguez, Vice Chair
Basil Ajuo
Alexander Cirillo
Robert Hoffman
Roger Moe
Cheryl Tefer

Bolded items indicate action is required.



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

Name: Human Resources Committee

Date: February 21, 2018

Title: Approval of 2017-2019 Inter Faculty Organization Bargaining Contract

Purpose (check one):

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

Brief Description:

Board approval of the negotiated terms in the contract is required prior to presenting it for approval by the Subcommittee on Employee Relations.

Minnesota State and the Inter Faculty Organization (IFO) reached a tentative agreement on December 9, 2017, on their 2017-2019 labor contract. It was approved by a vote of the IFO membership on ____.

Scheduled Presenter(s):

Sue Appelquist, Interim Vice Chancellor for Human Resources
Chris Dale, Senior System Director for Labor Relations

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

BOARD ACTION
APPROVAL OF INTER FACULTY ORGANIZATION BARGAINING CONTRACT

1 **BACKGROUND**

2 Minnesota State Colleges and Universities and the Inter Faculty Organization (IFO) reached a
3 tentative agreement on December 9, 2017 on their 2017-2019 labor contract. It was approved by
4 a vote of the IFO membership on _____. It is now being brought forward to the Board of
5 Trustees for approval before moving on for legislative approval.

6
7 **RECOMMENDED COMMITTEE ACTION**

8 The Human Resources Committee recommends that the Board of Trustees adopt the following
9 motion.

10
11 **RECOMMENDED MOTION**

12 The Board of Trustees approves the terms of the 2017-2019 labor agreement between
13 Minnesota State Colleges and Universities and the Inter Faculty Organization (IFO) and
14 authorizes Chancellor Devinder Malhotra to sign the agreement on behalf of the Board of
15 Trustees.

16
17 *Date of Approval:*

Minnesota State Colleges and Universities / Inter Faculty Organization (IFO)

Summary of Changes to 2015-17 Agreement

The IFO and Minnesota State bargaining teams reached a tentative contract settlement for the 2017-2019 Master Agreement at approximately 3:00 p.m. on Saturday December 9, 2017.

Economics:

FY 2018

- 1.6% salary schedule increase (effective July 1, 2017); adjunct/community faculty minimum rate increased to \$1,449 per credit
- Health and dental insurance benefits were unchanged, except for minor technical changes. MMB has stated that it will not implement the insurance plan design changes negotiated with MAPE and AFSCME until the all of the classified collective bargaining agreements are approved by the Legislature. Pursuant to a previously negotiated LOU with the IFO, the same insurance changes will be implemented for faculty at that time.

FY 2019

- 2.4% salary schedule increase (effective July 1, 2018); adjunct/community faculty minimum rate increased to \$1,484 per credit
- Add a new step to the top of the salary schedule. There is no return step awarded in FY 2018 or FY 2019, so there is minimal additional cost related to this change.
- Increase the minimum step placement for instructors from step 5 to step 6.
- Professional Development Funds increase from \$400,000 across-the-system to \$520,000. These funds are awarded at the discretion of the president. This fund pool had not changed in more than 18 years.
- Professional Study and Travel funds increase from \$1380 per FTE to \$1,450
- Provide Professional Development Funds for adjunct faculty. In FY 2019, \$59,500 will be allocated across-the-system to support professional improvement activities by adjunct faculty. These funds may be awarded at the discretion of the president.
- Professional Development Funds for Community Faculty (Metropolitan State) increase from \$12,500 to \$32,500. This fund pool had not changed in more than 18 years.
- Adjust career steps anniversary dates for second and third career steps so that these career steps are awarded after completing 17 years of service - steps are given at the start of the 18th year - and after completing 25 years of service - steps are given at the start of the 26th year - (rather than steps being given at the start of the 21st and 31st year as is currently required).

Language Changes:

- Increase the workload cap on adjunct and community faculty to 12 credits per academic year.
- Increase the maximum coaching salary supplement amount from \$120,000 to \$160,000. This change is designed to accommodate annual salaries for coaches of Division I sports.
- Modify the paid parental leave provisions to more closely track the classified agreements.
- Provide for audio recording of investigative interviews of faculty
- Expand reasons for hiring adjunct faculty to include meeting temporary staffing needs created by faculty being on phased retirement or AEP programs
- Provide authority to pay non-exempt adjunct faculty an hourly rate of pay
- Incorporate Language from LOU on Order of Step Increases



MINNESOTA STATE

Joint Diversity, Equity, and Inclusion and Human Resources Committees
February 21, 2018
9:45 AM
McCormick Room, Fourth Floor

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. Proposed Amendment to Policy 1B.3 Sexual Violence Policy (First Reading)
* Possible Approval

Diversity, Equity, and Inclusion Committee Members:

Ann Anaya, Chair
Cheryl Tefer, Vice Chair
AbdulRahmane Abdul-Aziz
Basil Ajuo
Jay Cowles
George Soule
Louise Sundin

Human Resources Committee Members:

Dawn Erlandson, Chair
Rudy Rodriguez, Vice Chair
Basil Ajuo
Alexander Cirillo
Robert Hoffman
Roger Moe
Cheryl Tefer

Bolded items indicate action is required.



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

Name: Joint Diversity, Equity, and Inclusion and
Human Resources Committees

Date: February 21, 2018

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

Purpose (check one):

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

Brief Description:

The proposed amendment to Board Policy 1B.3 Sexual Violence Policy seeks to clarify that consent must be affirmative, i.e., informed, freely given and mutually understood willingness to participate in sexual activity that is expressed either by words or clear unambiguous action. The policy prohibits a sexual act with another without that person's "consent" as defined in the policy. The proposed amendment to Board Policy 1B.3 applies to all students and employees. Board Policy 1B.3 and accompanying procedures and practices are designed to fully comply with federal law (Title IX and relevant guidance from the United States Department and Education) and with Minnesota law, in particular, the Minnesota Sexual Assault Legislation that passed in 2015, amending Minn. Stat. 135A.15 Sexual Harassment and Violence Policy.

The proposed policy amendment was reviewed by general counsel and cabinet, then sent out for formal consultation and received support from the presidents, employee representative groups, student associations, and campus leadership groups. All comments received from the consultation were considered. During the review of this policy, the language was amended to reflect a clearer definition of Affirmative Consent.

Scheduled Presenter(s):

Clyde Pickett, Chief Diversity Officer
Sue Appelquist, Interim Vice Chancellor for Human Resources

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

BOARD ACTION

**PROPOSED AMENDMENT TO POLICY 1B.3 SEXUAL VOILENCE POLICY
(FIRST READING)**

1 BACKGROUND

2 Minnesota State has a long-standing commitment to eliminating sexual violence expressed
3 through Board Policy 1B.3 Sexual Violence Policy, which applies to all students and employees.
4 Among other things, the policy prohibits a sexual act with another without that person’s
5 “consent” as defined in the policy. Besides stating a Board commitment to eliminating sexual
6 violence, Board Policy 1B.3 and accompanying procedures and practices are designed to fully
7 comply with federal law (Title IX and relevant guidance from the United States Department and
8 Education) and with Minnesota law, in particular, the Minnesota Sexual Assault Legislation that
9 passed in 2015, amending Minn. Stat. 135A.15 Sexual Harassment and Violence Policy.

10 The proposed policy changes clarify that consent must be *affirmative*, i.e., informed, freely given
11 and mutually understood willingness to participate in sexual activity that is expressed either by
12 words or clear unambiguous action. In addition, the proposed policy provides some clarifying
13 language on what is and is not affirmative consent.

14 Although we believe the Board’s current definition of consent is a strong and robust definition,
15 we have received input from students that it would be helpful to emphasize the affirmative nature
16 of the required consent and to provide clarifying language on what is and is not affirmative
17 consent. In addition, we have monitored other colleges and universities that have clarified their
18 definitions, in particular, the University of Minnesota, and believe that the change will enhance
19 student safety and understanding and improve campus climate.

20 The proposed change is only to the definition of consent. No other aspects of our policy,
21 procedure, and practices in this area will change at this time.

23 RECOMMENDED COMMITTEE MOTION

24 The Diversity, Equity, and Inclusion and Human Resources Committees recommends the Board
25 of Trustees adopt the proposed amendment to Board Policy 1B.3.

27 RECOMMENDED BOARD MOTION

28 The Board of Trustees adopt the proposed amendment to Board Policy 1B.3 Sexual Violence
29 Policy.

30
31 *Date of Adoption:* 02/21/2018

32 *Date of Implementation:*

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

BOARD POLICY-FIRST READING		
Chapter	1B	System Organization and Administration Equal Education and Employment Opportunity
Section	3	Sexual Violence Policy

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 of 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, and 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, 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 policy on sexual violence that applies to its campus community, including, but not limited to, its students and employees. The policy content and implementation shall must be consistent with the standards in this Policy and System Procedure 1B.3.1.

Part 2. Definitions.

The following definitions apply to this Policy policy and System Procedure 1B.3.1.

36 **Subpart E. Affirmative Consent**

37 Consent is informed, freely given, and mutually understood willingness to participate in
38 sexual activity that is expressed either by words or clear, unambiguous action. It is the
39 responsibility of the person who wants to engage in sexual activity to ensure that the other
40 person has consented to engage in the sexual activity.- Consent must be present throughout
41 the entire sexual activity and can be revoked at any time.- If coercion, intimidation, threats,
42 and/or physical force are used, there is no consent. If the complainant is mentally or
43 physically incapacitated or impaired so that the complainant cannot understand the fact,
44 nature, or extent of the sexual situation, there is no consent; this includes conditions due to
45 alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of
46 resistance, or Silence alone does not necessarily constitute consent, and past consent of
47 sexual activities does not imply ongoing future consent. The existence of a dating
48 relationship between the people involved or the existence of a past sexual relationship does
49 not prove the presence of, or otherwise provide the basis for, an assumption of consent.
50 Whether the respondent has taken advantage of a position of influence over the complainant
51 may be a factor in determining consent.

52
53 **Subpart C. Dating, Intimate Partner, and relationship violence.**

54 Dating and relationship violence includes physical harm or abuse, and threats of
55 physical harm or abuse, arising out of a personal intimate relationship. This violence also
56 may be called domestic abuse or spousal/partner abuse and may be subject to criminal
57 prosecution under Minnesota state law.

58
59 **Subpart H. Employee.**

60 "Employee" means aAny individual employed by Minnesota State ~~Colleges and Universities,~~
61 its colleges and universities and system office, including student workers.

62
63 **Subpart F. Non-forcible sex acts.**

64 Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual
65 contact with an individual under the statutory age of consent, as defined by Minnesota law,
66 or between persons who are related to each other within degrees wherein marriage is
67 prohibited by law.

68
69 **Subpart B. Sexual assault.**

70 "Sexual assault" means anAn actual, attempted, or threatened sexual act with another person
71 without that ~~a~~person's affirmative consent. Sexual assault is often a criminal act that can be
72 prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota
73 State ~~Colleges and Universities~~ student codes of conduct ~~codes~~ and employee disciplinary
74 standards. Sexual assault includes but is not limited to:

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81
1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "*date rape*" or "*acquaintance rape*." This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
 2. Involvement in any sexual act when the victim is unable to give consent.

- 82 3. ~~Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or~~
83 ~~force another to touch a person's intimate parts (defined as primary genital area,~~
84 ~~groin, inner thigh, buttocks, or breast). Intentional and unwelcome touching of a~~
85 ~~person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks,~~
86 ~~or breast); or coercing, forcing, or attempting to coerce or force another to touch a~~
87 ~~person's intimate parts.~~
88 4. Offensive sexual behavior ~~that is~~ directed at another, such as indecent exposure or
89 voyeurism.
90

91 **Subpart A. Sexual violence.**

92 ~~Sexual violence includes a~~ A continuum of conduct that includes sexual assault, non-forcible
93 sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence.
94

95 **Subpart D. Stalking.**

96 ~~Stalking is e~~ Conduct directed at a specific person that is unwanted, unwelcome, or
97 unreciprocated and that would cause a ~~reasonable person~~ people to fear for ~~her or his~~ their
98 safety or the safety of others or to suffer substantial emotional distress.
99

100 **Subpart I. Student.**

101 ~~The term "student" includes a~~ All persons who:
102

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

114 **Subpart G. System property.**

115 ~~"System property" means t~~ The facilities and land owned, leased, or under the primary control
116 of Minnesota State ~~Colleges and Universities~~, its Board of Trustees, system office, colleges,
117 and universities.

Related Documents

- [System Procedure 1B.3.1](#) Sexual Violence Procedure
- [Board Policy 1B.1](#) Nondiscrimination in Employment and Education Opportunity
- [Board Policy 3.6](#) Student Conduct (*see Part 2 for Off campus Conduct)

Policy History

Date of Adoption: 4/21/04,
Date of Implementation: 4/21/04,
Date of Last review: x/xx/xx

Date & Subject of Revisions:

Xx/xx/xx – In the definition section, changed the word and definition of consent to affirmative consent. Applied the new formatting and writing styles to the entire policy.

11/21/13 – Added definitions of dating and relationship violence and stalking to Part 2. This change was required under reauthorization of the Violence Against Women Reauthorization Act.

11/16/11 - Amended Part 1 and Part 1A to clarify policy. Amended Part 2C to further define consent. Amended Part 2G to reflect the definition of "student" in other Board policies.

No additional HISTORY

CONTENT FORMAT:

Single underlining represents proposed new language.

~~Strikeouts~~ represent existing language proposed to be eliminated.



Board of Trustees Meeting

Wednesday, February 21, 2018

10:30 AM

Fourth Floor, McCormick Room

Note: Committee and board meeting times are tentative. Meetings may begin up to 45 minutes earlier than the times listed if a committee meeting concludes its business before the end of its allotted time slot. In addition to the board or committee members attending in person, some members may participate by telephone.

Call to Order

Chair's Report, Michael Vekich

Board Standing Committee Reports

Human Resources Committee, Dawn Erlandson, Chair

- **Approval of 2017-2019 Inter Faculty Organization Bargaining Contract**

Joint Diversity, Equity, and Inclusion and Human Resources Committees

Ann Anaya and Dawn Erlandson, Co-Chairs

- Proposed Amendment to Policy 1B.3 Sexual Violence Policy (First Reading)
*Possible Approval

Adjournment

Bolded items indicate action is required

