

Chapter 1: College Organization and Administration

1A1. Minnesota State Colleges and Universities Organization and Administration

POLICY

Section A - System & Office Operations

Part 1. Name of Organization

The name of the organization is the Board of Trustees of the Minnesota State Colleges and Universities.

Part 2. Vision and Mission Statements

The following vision and mission statements have been adopted by the Board of Trustees.

Subpart A. Vision statement

The core value of the Minnesota State Colleges and Universities is to provide an opportunity for all Minnesotans to create a better future for themselves, for their families, and for their communities.

Subpart B. Mission statement

The core commitments of Minnesota State Colleges and Universities are to ensure access to an extraordinary education for all Minnesotans, be the partner of choice to meet Minnesota's workforce and community needs, and deliver to students, employers, communities and taxpayers the highest value/most affordable higher education option.

Subpart C. College and Universities related missions

Each college and university has a distinct mission that is consistent with, and supportive of, the overall mission of Minnesota State Colleges and Universities.

Minnesota State Colleges and Universities provides high quality programs comprising:

1. Technical education programs delivered principally by technical colleges, which prepare students for skilled occupations that do not require a baccalaureate degree.
2. Pre-baccalaureate programs, delivered principally by community colleges, which offer

lower division instruction in academic programs, occupational programs in which all credits earned will be accepted for transfer to a baccalaureate degree in the same field of study, and remedial studies.

3. Baccalaureate programs delivered by universities, which offer undergraduate instruction and degrees; and
4. Graduate programs, delivered by universities, including instruction through the master's degree, specialist certificates and degrees, and applied doctoral degrees.

Part 3. Definitions

The following definitions apply to all board policies unless the text clearly indicates otherwise.

Board

The Board of Trustees of the Minnesota State Colleges and Universities.

Board policy

A policy statement enacted by the board to provide the governing authority and structure for Minnesota State and its constituents, in accordance with the Minnesota State mission and philosophy. Board policies are to be concise statements of the board on matters of governance it deems important to Minnesota State and its operation, consistent with governing law.

College and university policy or procedure

A policy or procedure approved by the president to govern the operation of the college or university, consistent with board policy and system procedure.

Consolidated colleges

The community and technical colleges that under board direction have formally reorganized into single comprehensive institutions.

Executive officers

Persons appointed by the board to manage Minnesota State or one of its colleges or universities, and includes the chancellor, vice chancellors, and the presidents.

Minnesota State

See Minnesota State Colleges and Universities

Minnesota State Colleges and Universities

Minnesota State Board of Trustees, Office of the

Chancellor, its colleges and universities, and the system office.

Operating instructions

Instructions approved by the chancellor, chancellor's designee responsible for the area, or executive director of internal auditing, giving explicit direction, instructions or guidance on internal forms, processes, and other administrative or managerial matters, consistent with board policy and system procedure.

Pilot program

An experimental program of limited duration supported by the chancellor and designed to promote the interests of students. The pilot program may be inconsistent with current board policy and may lead to amendments of board policy and system procedure.

Policy change

The adoption of a new board policy, or amendment or repeal of an existing board policy.

Procedure change

The adoption of a new system procedure, or amendment or repeal of an existing system procedure.

Statutes

Minnesota Statutes.

System

See Minnesota State Colleges and Universities.

System office

The central administrative and staff office under the direction and supervision of the chancellor.

System procedure

A procedure approved by the chancellor to implement board policies. System procedures specify the manner in which policies, law, or managerial functions must be implemented by the colleges, universities and system office.

Technical change

A change that does not alter the meaning of a board policy or system procedure, including correction of errors in spelling, case, or syntax, or format changes.

Part 4. Legal Basis

The legal basis for the Board of Trustees and the Minnesota State Colleges and Universities is established under **Minn. Stat. Ch. 136F.**

Part 5. Rules of Procedures

Robert's Rules of Order, in its most recent revised edition, must be the rules of procedure for all meetings to the extent that they are not inconsistent with law, these operating policies, or any special rule of the board.

Part 6. Board Policies and System Procedures

Subpart A. General authority to enact policies

The board is authorized by **Minn. Stat. §136F.06, Subdivisions 1 and 2** to adopt suitable policies for the institutions it governs. These policies are broad general directions developed by the board to govern the colleges, universities, and system office. These policies are not subject to the administrative requirements of state agencies including public hearing examiners and contested case procedures required by **Minn. Stat. Ch. 14.**

Subpart B. Proposed changes to policies or procedures

The chancellor may convene working groups or seek consultation from any party to develop a proposed policy or procedure change. Before the adoption of any change in board policy or system procedure other than a technical change, the proposed change must be:

1. Submitted to the chancellor's cabinet and presidents for review and comment.
2. Published for comment through electronic posting or transmission to interested parties.
3. Discussed with bargaining groups in meet and confer when required under a collective bargaining agreement.

Any board policy change proposed by the system's executive officers must be approved by the chancellor or chancellor's designee prior to submission to the board for consideration.

Subpart C. Pilots

After consultation with the board chair, vice chair, and general counsel, the chancellor may institute a pilot program. The chancellor may temporarily suspend applicable board policies and system procedures to the extent necessary to implement the pilot. The board policies and system procedures suspended by the pilot must be identified in the pilot proposal. The chancellor shall inform the board of scheduled pilots before implementation, including the specific policies being suspended and provide updates as appropriate.

Subpart D. Policy adoption

Each proposed board policy change must be assigned to a committee by the chair, or to the board meeting as a committee of the whole. The committee shall take the matter under consideration and make such recommendations to the board as it deems appropriate. Except for technical changes, final board action must not occur earlier than the calendar month following the first committee reading. Technical changes may be approved by the board on its consent agenda and may be approved in the same month as committee consideration of the proposed technical changes.

Subpart E. Suspension

Any provision of these policies may be suspended in connection with the consideration of a matter before the board by an affirmative vote of two-thirds of the board.

Subpart F. System procedures

The chancellor is authorized to approve system procedures when necessary to provide additional administrative instructions to board policy or to other administrative actions. These procedures must be made available electronically to the colleges, universities and the general public in the same manner as board policies.

Subpart G. Operating instructions

The chancellor, chancellor's designee responsible for the area, and executive director of internal auditing are authorized to issue operating instructions consistent with board policy and system procedure.

Subpart H. College and university policies and procedures

College and university policies and procedures may be adopted by the president of a college or university consistent with board policy and system procedure.

Subpart I. Periodic review

The chancellor shall establish procedures to ensure that each board policy and System procedure is reviewed at least once every five years. The policy or procedure must be reviewed to determine whether it is needed, that it is current and complete, not duplicative of other policies, does not contain unnecessary reporting requirements or approval processes, and is consistent with style and format requirements. The chancellor shall periodically report to the board on the review of policies and may make recommendations for amendment or repeal if appropriate.

Subpart J. Form and effect

1. **Publication.** Board policies and system procedures must be maintained by the chancellor in hard copy format and on the Minnesota State website. Changes in board policies and system procedures must be entered on the Minnesota State website as soon as practicable, but not later than ten business days following board adoption of policy changes or chancellor approval of procedures. The board must be notified when the policy and procedure has been published.
2. **Format.** Board policies and system procedures must be written in accordance with style and format standards established by the chancellor, and must include historical notations on changes made.
3. **Effect.** In the event of a conflict between board policy and any system procedure or operating instruction, or campus policy or procedure, board policy shall govern. In the event of a conflict between system procedure and any campus policy or procedure, system procedure must govern.
4. **Severability.** Unless otherwise provided, the provisions of all board policies and system procedures must be severable.

Part 7. Legislative or Administrative Proposals

Interaction with the legislature and other state or federal agencies.

1. **Minnesota State legislative or administrative positions or proposals.** The board must have approved Minnesota State proposals brought before federal and state legislatures or executive branches on behalf of the board, Minnesota State or its institutions. Once board approval has been granted, all institutions are expected to actively support board approved requests and to respect the priority of the board. The board shall have a method for timely response to proposals or positions not originated by the board, but which may affect the operation of the Minnesota State.
2. **Administrative or legislative appearances on Minnesota State concerns.** Employees asked to

provide expert testimony before federal and state legislatures or executive branches on legislative issues shall make every effort to quickly accommodate requests, and shall notify the Minnesota State Government Relations Office of requests so the board will be aware of appearances and the office may provide logistical support, background assessments and other assistance as needed. Employees covered by the Minnesota State Personnel Plan for Administrators, who are responsible for providing expert testimony on legislative or state agency issues, and take positions contrary to the board, must disclose at the outset that their testimony is contrary to the board's position.

1B.1 Equal Opportunity and Nondiscrimination in Employment and Education

POLICY

Subpart A. Equal opportunity for students and employees. Minnesota State Colleges and Universities has an enduring commitment to enhancing Minnesota's quality of life by developing and fostering understanding and appreciation of a free and diverse society and providing equal opportunity for all its students and employees. To help effectuate these goals, Minnesota State Colleges and Universities is committed to a policy of equal opportunity and nondiscrimination in employment and education.

Subpart B. Nondiscrimination. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, discrimination in employment based on familial status or membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff

Adopted at 6/3/21 FLW and 6/9/21 President's Cabinet

and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination /harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech.

The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion.

This policy shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including but not limited to, its students, employees, applicants, volunteers, agents, and Board of Trustees, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this policy shall be subject to disciplinary or other corrective action.

This policy supersedes all existing system, college, and university equal opportunity and nondiscrimination policies.

Part 2. Definitions.

Subpart A. Consensual Relationship. Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. Employees who are members of the same household should also refer to the Board Policy 4.10, of Trustees Nepotism policy 4.10.

Subpart B. Discrimination. Discrimination means conduct that is directed at an individual because of his or her protected class and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the system or colleges and

universities or otherwise adversely affects the individual's employment or education.

Subpart C. Discriminatory harassment. Discriminatory harassment means verbal or physical conduct that is directed at an individual because of his or her protected class, and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment.

As required by law, Minnesota State Colleges and Universities further defines sexual harassment as a form of sexual discrimination which is prohibited by state and federal law. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college or university; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college or university; or
3. Such conduct has the purpose or effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

Subpart D. Employee. Employee means any individual employed by Minnesota State Colleges and Universities, including all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

Subpart E. Protected class. For purposes of this policy:

1. Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender

expression. In addition, familial status and membership or activity in a local human rights commission are protected classes in employment.

2. This policy prohibits use of protected class status as a factor in decisions affecting education and employment where prohibited by federal or state law.

Subpart F. Retaliation. Retaliation includes, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she:

- a. made a complaint under this policy;
- b. assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- c. associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or
- d. Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement agencies, under any federal or stated nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Subpart G. Sexual harassment and violence as sexual abuse. Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, the system office and colleges and universities shall comply with the reporting requirements in Minnesota Statutes Section 626.556 (reporting of maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult Protection Act). Nothing in this policy will prohibit any college or

university or the system office from taking immediate action to protect victims of alleged sexual abuse. Board Policy 1B.3 Sexual Violence addresses sexual violence.

Subpart H. Student. For purposes of this policy, the term “student” includes all persons who:

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

Part 3. Consensual Relationships. An employee of Minnesota State Colleges and Universities shall not enter into a consensual relationship with a student or an employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a relationship already exists, each college and university and system office shall develop a procedure to reassign evaluative authority as may be possible to avoid violations of this policy. This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

Part 4. Retaliation. Retaliation as defined in this policy is prohibited in the system office, colleges and universities. Any individual subject to this policy who intentionally engages in retaliation shall be subject to disciplinary or other corrective action as appropriate.

Part 5. Policies and procedures. The chancellor shall establish procedures to implement this policy. The equal opportunity and nondiscrimination in

employment and education policy and procedures of colleges and universities shall comply with Board Policy 1B.1 and Procedure 1B.1.1.

1B.2 Affirmative Action in Employment

POLICY

Minnesota State Colleges and Universities is committed to and supports aggressive affirmative action steps and programs intended to remedy the historical underrepresentation of persons of color, women, and persons with disabilities in the workforce.

1B.3 Sexual Violence Policy

POLICY

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 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 provides reporting options, an investigative and disciplinary process, prevention training, and other related services as appropriate.

Subpart A. Application of policy to students, employees, Board of Trustees and others

This policy applies to all Minnesota State students and employees, Board of Trustees 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 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 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 and System Procedure 1B.3.1.

Affirmative consent

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

Dating, intimate partner, and relationship violence

Violence including physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota law.

Employee

Any individual employed by Minnesota State, its colleges and universities and system office, including student workers.

Non-forcible sex acts

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

Subpart B. Sexual assault

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

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.
3. Intentional and unwelcome touching of a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast); or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
4. Offensive sexual behavior directed at another, such as indecent exposure or voyeurism.

Sexual violence

A continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence.

Stalking

Conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause reasonable people to fear for their safety or the safety of others or to suffer substantial emotional distress.

Student

All persons who:

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

System property

The facilities and land owned, leased, or under the primary control of Minnesota State, its Board of Trustees, system office, colleges, and universities.

1B.41 Access and Accommodation for Individuals with Disabilities

POLICY

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. An individual with a disability:

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. Personal 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.

Part 3. General Access Policy.

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

Part 4. Availability and Notice.

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

Part 5. Reasonable Accommodations.

Subpart A. Programs, Services, and Activities. Colleges, universities and the system office shall make reasonable accommodations to ensure access to programs, services, and activities as required by law. Access means that a qualified individual with a disability will not be excluded from participation in or be denied the benefits of the programs, services, or activities, nor will the individual be subjected to discrimination. Reasonable accommodations may include modifications to: rules, policies, or practices; the removal of architectural, communication, or transportation barriers; provision of auxiliary aids or the provision of equally effective programs, services, or activities. In accordance with the Americans with Disabilities Act, accommodations will not be provided 1) for personal devices or services even though the individual may be a qualified individual with a disability, or 2) that result in a fundamental alteration

in the nature of a service, program, or activity or in undue financial or administrative burdens.

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

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

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

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

Part 7. Process.

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

- a. Provide the requesting individual with a copy of Board Policy 1B.4.

- b. Assignment and identification of a staff member responsible for making a determination about the request for accommodation or the delivery of services.

- c. Provide a process for appealing a denial of a request for accommodation.

1C.1 Board of Trustees Code of Conduct

POLICY

Part 1. Purpose

The purpose of this policy is to establish the general standards of conduct required of trustees. As public officials, trustees are required to file annual statements of economic interest, and are subject to gift prohibitions and other provisions of [Minn. Stat. Ch. 10A](#). Those provisions and any other applicable law shall govern in the event of any conflict between applicable law and this policy.

Part 2. General Standards of Conduct

In order to fulfill its statutory authority and support the vision, mission, values and goals of the MnSCU system, the board functions as a collegial unit. The board functions well as a unit when the individual members act ethically, are committed to working together, operate in a non-partisan manner and speak with one voice. The board creates a positive climate when it focuses on the future, acts with integrity and civility and uses its influence appropriately.

Subpart A. Authority to act

Each board member is encouraged to contribute his or her talents and perspectives to the board. Although board members are free to voice their personal opinions, no board member has the authority to act on his or her own to further a personal agenda or to direct college, university or system employees or operations.

Subpart B. Informed decision-making

Trustees strive to make informed decisions based on sufficient information, thoughtful deliberation and comprehensive understanding of issues. To achieve that goal, board members gather information by listening, asking questions, analyzing materials and exploring issues thoroughly in conjunction with other trustees, faculty, staff, students and constituency groups.

Subpart C. Support for board decisions

Individual trustees are able to express their opinions vigorously and openly during the decision making process and may respectfully disagree with colleagues. However, once a decision has been made and the board has taken action, it is each member's responsibility to support the decision.

Subpart D. Official spokesperson

Trustees are the stewards of the system and advocates of its policies and programs. The official spokesperson for the board is the chair of the board or the chair's designee.

Part 3. Conflicts of Interest

Subpart A. Disclosure of potential conflicts

A potential conflict of interest is any circumstance in which the personal, professional or substantial financial interests of the trustee in a matter before the board may be reasonably perceived as potentially or actually diverging from his or her fiduciary obligation to the board and Minnesota State Colleges and Universities. This conflict may arise from the personal, professional or substantial economic interest of themselves, members of their immediate families or others with whom they have a personal or professional relationship, including outside organizations.

A trustee with a substantial financial conflict of interest must follow the provisions of Minn. Stat. § 10A.07. A substantial financial conflict exists when a decision would confer a particular benefit on a trustee greater than that generally available to the trustee's business or occupational class.

A trustee with a potential non-financial conflict shall inform the board chair of the conflict in a timely manner.

Subpart B. Abstention

A trustee who has a potential conflict of interest shall not chair a meeting, participate in any vote, offer any motion or discussion, or otherwise attempt to influence other trustees on the matter giving rise to the potential conflict of interest.

Part 4. Employment in higher education

Except as provided in this part, a trustee shall not seek or accept employment in any higher education institution and/or board service while serving as a trustee. This provision does not prohibit any trustee

Adopted at 6/3/21 FLW and 6/9/21 President's Cabinet

from employment as an adjunct faculty member or a student trustee from employment with a college or university in a non-administrative, part-time position, such as the work study program.

Part 5. Prohibited Activities

Subpart A. Use of position to secure benefits

Except as otherwise provided by law or policy of the board, a trustee shall not use the position, authority, title, influence, or prestige of trustee to secure special privileges or exemptions not available to the general public for the benefit of the trustee, trustee's family members, or others.

Subpart B. Confidential or protected communications

Except as otherwise required by law or authorized by the board, a trustee shall not disclose to any unauthorized persons information or communication subject to confidentiality by action of the board or other applicable law or policy, including privileged attorney/client communications.

Subpart C. Use of influence

Except for those decisions that are subject to the direct authority of the board, no trustee shall attempt to influence the hiring of system, college or university employees, or the awarding of consulting or other contracts.

Part 6. Removal

If the board determines that the conduct of a trustee has violated the trustee's professional or fiduciary responsibilities, board policy or other governing law, the board may recommend that the Governor remove the trustee from the board for cause under **Minn. Stat. § 15.0575.**

1C.2 Fraudulent or Other Dishonest Acts

POLICY

Part 1. Purpose. MnSCU is committed to creating an environment where fraudulent and other dishonest acts are not tolerated. All Minnesota State Colleges and Universities employees are responsible for complying with the State Code of Ethics (Minnesota State Statutes 43A.38 - see related documents below), other state statutes and board policies that govern their conduct, and ensuring that all resources entrusted to them are used ethically, prudently, and for their designated purpose. In addition, to ensure that MnSCU resources

are used appropriately, managers and supervisors are responsible for educating employees about proper conduct, creating an environment that deters dishonesty and maintaining internal controls that provide reasonable assurance of achieving management objectives, and detecting dishonest acts. Furthermore, managers and supervisors must be cognizant of the risks and exposures inherent in their area of responsibility and be aware of symptoms of fraudulent or dishonest acts, should they occur. This policy establishes responsibilities for investigating potential incidents of fraud or other dishonest acts, taking remedial actions, and reporting evidence to the Legislative Auditor and other appropriate authorities.

Part 2. Applicability. This policy applies to all MnSCU trustees and, employees, including faculty (full-time, adjunct and part-time faculty), administrative staff, and student employees. It also requires employees to report the actions of other parties that may result in financial losses or possible criminal conduct affecting MnSCU resources or information. These other parties include (1) students; (2) contractors and vendors; (3) organizations affiliated with MnSCU, including foundations governed by **Policy 8.3**; and (4) any other person or organization that uses MnSCU resources or information, with or without authorization.

This policy does not apply to destruction or misappropriation of personal or private property. Those matters shall be reported to appropriate college, university, or system office officials and to law enforcement officials when appropriate. Also, substantiated violations involving personal or private property are subject to personnel action or discipline under the student conduct code.

This policy does not apply to allegations of academic misconduct. Those matters shall be referred to appropriate college or university officials.

This policy also does not apply to allegations of discrimination or harassment. Those matters are governed by **policy 1B.1**.

Part 3. Definitions.

Subpart A. Dishonest act. A dishonest act generally involves a deliberate act or failure to act with the intention of obtaining an unauthorized benefit, destruction of property or otherwise fraudulent behavior. Dishonest acts include, but are not limited to:

- Theft or misappropriation of funds, long distance telephone services, supplies, property, computer software, intellectual property, or other resources;
- Forgery or alteration of documents;
- Bribery or attempted bribery;
- Unauthorized use of records or access to information systems, including unauthorized sharing of computer security clearances;
- Unauthorized alteration, manipulation, or destruction of computer files and data;
- Falsification of reports to management or external agencies;
- Conflicts of interest that pursue a personal benefit or advantage while compromising the public interest;
- Improper handling or reporting of financial transactions;
- Authorizing or receiving compensation for goods not received or services not performed;
- Authorizing or receiving compensation for hours not worked;
- Incurring obligations in excess of appropriation authority, and
- Willful violation of laws, regulations or policies, or contractual obligations when conducting MnSCU business.

Subpart B. Fraud Inquiry. A fraud inquiry is the initial process for examining complaints, allegations, and other possible evidence of dishonest acts. The objective of a fraud inquiry is to determine whether sufficient evidence exists to warrant a fraud investigation.

Subpart C. Fraud Investigation. A fraud investigation is the process of collecting and examining evidence to determine whether a dishonest act involving possible criminal action or significant financial loss has occurred.

Part 4. Responsibilities.

Subpart A. Compliance. Dishonest acts are prohibited pursuant to this policy and applicable law. Employees found to have committed a dishonest act as defined by this policy shall be subject to sanctions, restitution and

other remedies as deemed appropriate by MnSCU officials.

Subpart B. Employee reporting of suspected fraudulent or other dishonest acts. An employee with a reasonable basis for believing fraudulent or other dishonest acts have occurred has a responsibility to report the suspected act in a timely manner. Reports should be made to the employee's immediate supervisor or manager, unless the employee suspects that the supervisor or manager has participated in or condoned the act. In that case, the employee should report the matter to the next highest level of supervision or management or directly to the college, university, or system office Director of Human Resources. Employees are encouraged to report matters through their designated college, university or system office channels, but may report any matters directly to the MnSCU Office of Internal Auditing. This policy shall not prohibit prompt notification to appropriate authorities when an immediate threat to personal safety exists or other circumstances justify such notice. Upon discovering evidence of possible fraudulent or dishonest acts, employees should not confront individuals suspected of wrongdoing or initiate fraud investigations on their own because such actions may compromise any ensuing investigation. Employees shall not make statements or disclosures knowing they are false or in reckless disregard of the truth.

Subpart C. Conducting a fraud inquiry. Presidents, the Chancellor, or the Executive Director of Internal Auditing shall be responsible for conducting fraud inquiries to determine whether evidence of fraudulent or other dishonest acts is substantiated and merits a fraud investigation or other remedy. Presidents or the Chancellor may seek the assistance of the Office of Internal Auditing in conducting fraud inquiries. If a fraud inquiry reveals evidence of possible criminal action or significant financial loss, then a fraud investigation shall be conducted pursuant to Part 4, Subpart D of this policy. If a fraud inquiry does not reveal evidence of possible criminal actions or significant financial loss related to a dishonest act, but substantiates a violation of state or federal law, MnSCU or college or university policies, or other applicable requirements, the matter shall be referred to the appropriate campus or system office official for further action. Any incident that reveals possible employee misconduct may be subject to a personnel investigation by the college, university, or system office, as appropriate, and subject to

personnel action in accordance with the provisions of the applicable collective bargaining agreement or other personnel plan.

Subpart D. Conducting a fraud investigation. If it is determined under Part 4, Subpart C that a fraud inquiry merits a fraud investigation, the president or Chancellor shall report the matter to the Office of Internal Auditing. The president or Chancellor shall consult with the Executive Director of Internal Auditing to determine responsibilities for conducting the fraud investigation. The MnSCU General Counsel, the Legislative Auditor, or other administrative officials also shall be consulted, as appropriate and when required by this policy.

Part 5. Remedial Actions. If a fraud investigation substantiates that a violation has occurred, the following remedial actions against or by MnSCU employees shall be taken as appropriate:

Subpart A. Recovery of Losses. Appropriate action will be taken to recover assets lost as a result of an act of dishonesty. Full recovery will constitute the value of benefits gained by an employee or beneficiary other than MnSCU or the documented loss, whichever is larger, and, if appropriate, the cost of investigation, recovery, or other costs. For misuse of long-distance telephone services, recoveries must include the fair market value of the service, taxes, and interest. All reasonable means, consistent with state law, will be sought to recover losses, including voluntary repayments, withholding from salary and wages, insurance proceeds when applicable, and legal action when necessary. Significant financial losses shall be reported to the Vice Chancellor - Chief Financial Officer. Dishonest acts that result in significant loss or damage to electronic information or information systems shall be reported to the MnSCU Chief Information Officer. The MnSCU General Counsel shall determine whether the evidence available and the cost of recovery justify legal action to recover losses.

Subpart B. Referral to Law Enforcement. A college, university or system office shall consult with the MnSCU General Counsel prior to disclosing private or confidential data on employees to law enforcement authorities pursuant to Minnesota State Statutes 13.43, subd. 15.

Subpart C. Internal Control Deficiencies. The Office of Internal Auditing shall consider whether evidence of

possible fraudulent or other dishonest acts reveals areas or practices in college, university, or system internal controls needing modification. The Office of Internal Auditing shall recommend corrective actions to the president or chancellor, as appropriate, and the Vice Chancellor - Chief Financial Officer. Internal Auditing shall follow-up on its recommendations and report progress to the board of trustees consistent with procedures for audit follow-up.

authority. Employees who have reported evidence according to the provisions of this policy will have fulfilled their statutory reporting obligations for reporting to the Office of the Legislative Auditor.

Subpart D. Employee Disciplinary Actions. Employees found to have participated in fraudulent or other dishonest acts, or any employee who hinders a fraud inquiry or investigation by making a false or misleading statement, or any employee who has knowledge of a dishonest act, but fails to report it according to this policy shall be subject to disciplinary action. The appropriate campus official or Vice Chancellor for Human Resources shall determine whether employee disciplinary action is warranted. The provisions of collective bargaining agreements shall be observed for any employee disciplinary proceedings.

Part 6. Data Practices. Fraud inquiry or investigation data must be handled in accordance with the Minnesota Government Data Practices Act and other applicable law.

Part 7. Whistleblower Protection. Employees who report suspected fraudulent or other dishonest acts pursuant to Minnesota State Statutes 181.932 shall be protected from retaliation. The identity of information sources shall be protected when required by Minnesota State Statutes 181.932 or Minnesota State Statutes 13.392.

Part 8. Other Policies. This policy shall not be construed to limit the ability to enforce any other applicable policy or law not incorporated under this policy or to limit the remedies available for violations that occur.

Part 9. Reporting to the Board of Trustees and the Legislative Auditor. The Executive Director of Internal Auditing shall notify the Board of Trustees of any significant violations of law or board policies, as required by **policy 1D.1**, or any material departures from this policy.

The Executive Director of Internal Auditing is responsible for reporting evidence to the Office of the Legislative Auditor as required by Minnesota State Statutes 10.47, 43A.39, and 609.456, Subdivision 2 and, if federal funds are involved, to the responsible federal
Adopted at 6/3/21 FLW and 6/9/21 President's Cabinet