

## Post-secondary Education

### CHAPTER 135A

## PUBLIC POST-SECONDARY EDUCATION

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### FUNDING

#### 135A 01 FUNDING POLICY

It is the policy of the legislature to provide stable funding including recognition of the effects of inflation, for instructional services at public post-secondary institutions and that the state and students share the cost of those services. The legislature intends to provide at least 67 percent of the instructional services costs for each post-secondary system. It is also the policy of the legislature that the budgetary process serves to support high quality public post-secondary education.

**History** 1983 c 258 s 29, 1Sp1985 c 11 s 14, 1994 c 532 art 3 s 1

**135A 02** [Repealed, 1994 c 532 art 3 s 9]

**135A 03** [Repealed, 1994 c 532 art 3 s 9]

#### 135A 031 APPROPRIATIONS FOR INSTRUCTIONAL SERVICES

**Subdivision 1 Determination of appropriation** The direct appropriation to each board for instructional services shall equal 67 percent of the estimated total cost of instruction for the University of Minnesota, the state universities, and the community colleges, and, for technical colleges, at least 67 percent of the estimated total cost of instruction.

**Subd 2 Appropriations for certain enrollments** The state share of the estimated expenditures for instruction shall vary for some categories of students, as designated in this subdivision.

(a) The state must provide at least 67 percent of the estimated expenditures for

(1) students who resided in the state for at least one calendar year prior to applying for admission or dependent students whose parent or legal guardian resides in Minnesota at the time the student applies,

(2) Minnesota residents who can demonstrate that they were temporarily absent from the state without establishing residency elsewhere,

(3) residents of other states or provinces who are attending a Minnesota institution under a tuition reciprocity agreement, and

(4) students who have been in Minnesota as migrant farmworkers, as defined in the Code of Federal Regulations, title 20, section 633.104, over a period of at least two years immediately before admission or readmission to a Minnesota public post-secondary institution, or students who are dependents of such migrant farmworkers

(b) The definition of full year equivalent for purposes of the formula calculations in this chapter is twice the normal value for the following enrollments

(1) students who are concurrently enrolled in a public secondary school and for whom the institution is receiving any compensation under the Post-Secondary Enrollment Options Act, and

(2) students enrolled under the student exchange program of the Midwest Compact

(c) The state may not provide any of the estimated expenditures for undergraduate students (1) who do not meet the residency criteria under paragraph (a), or (2) who have completed, without receiving a baccalaureate degree, 48 or more quarter credits or the equivalent, applicable toward the degree, beyond the number required for a baccalaureate in their major. Credits for courses in which a student received a grade of "F" or "W" shall be counted toward this maximum, as if the credits had been earned.

**Subd 3 Determination of instructional services base** The instructional services base for each public post-secondary system is the sum of (1) the state share, and (2) the legislatively estimated tuition for the second year of the most recent biennium, and (3) adjustments for inflation, enrollment changes as calculated in subdivision 4, and performance as calculated in subdivision 5.

**Subd 4 Adjustment for enrollments** (a) Each public post-secondary system's instructional services base shall be adjusted for estimated changes in enrollments. For each two percent change in estimated full-year equivalent enrollment, an adjustment shall be made to 65 percent of the instructional services base. The remaining 35 percent of the instructional services base is not subject to the adjustment in this subdivision.

(b) For all purposes where student enrollment is used for budgeting purposes, student enrollment shall be measured in full-year equivalents and shall include only enrollments in courses that award credit or otherwise satisfy any of the requirements of an academic or vocational program.

(c) The enrollment adjustment shall be made for each year of the subsequent biennium. The base enrollment year is the 1995 fiscal year enrollment. The base enrollment shall be updated for each two percent change in estimated full-year equivalent enrollment. If the actual enrollment differs from the estimated enrollment, an adjustment shall be made in the next biennium.

**Subd 5 Adjustment for performance** Each public post-secondary system's instructional services base shall be adjusted, up to one percent, if the system meets the performance standards established by the system's governing board as part of the biennial budget document.

**Subd 6 Adjustment for change items** The instructional services base may be adjusted for change items as determined by the governor and the legislature after adjustments for inflation, enrollments, and performance.

**Subd 7 Reports** Instructional expenditure and enrollment data for each instructional category shall be submitted in the biennial budget document.

**History** 1994 c 532 art 3 s 2, 1995 c 212 art 2 s 1

**135A 032 APPROPRIATIONS FOR NONINSTRUCTIONAL SERVICES**

Subdivision 1 **Determination of noninstructional appropriations base** The noninstructional services base for each public post-secondary system is the state share for the second year of the most recent biennium plus adjustments for inflation and for performance as specified in subdivision 2. The cost of technical college extension programs shall be included in noninstructional services.

Subd 2 **Adjustment for performance** The noninstructional services base shall be increased, up to one percent, if the system meets the performance standards established by the system's governing board as part of the biennial budget document.

Subd 3 **Adjustment for change items** The noninstructional services base may be adjusted for change items as determined by the governor and the legislature after noninstructional base adjustments for inflation and performance.

**History** 1994 c 532 art 3 s 3

**135A 033 PERFORMANCE FUNDING**

The governing boards of the University of Minnesota and the Minnesota state colleges and universities, in conjunction with their respective campuses, shall each specify performance categories and indicators relating to section 135A 053, subdivision 1, to be used for policy and appropriations decisions, as well as allocations for rewarding campuses that achieve performance levels and assisting campuses that are unable to achieve these levels. Because the mission of each system and type of campus varies, categories and indicators shall vary accordingly.

**History** 1994 c 532 art 3 s 4, 1996 c 398 s 26

**135A 034 BUDGET PRIORITIES**

Subdivision 1 **Operating budget** The governing boards of the University of Minnesota, and the Minnesota state colleges and universities shall each develop, for legislative and executive branch acceptance, its highest budget priorities in accordance with statewide objectives for higher education. It is the intent of the legislature to appropriate at least 67 percent of the total cost of instruction after adjusting for inflation and enrollment changes. However, in the event of a budget shortfall, or if funding of inflation is not possible, available funding shall first be applied to the agreed upon budget priorities.

Subd 2 **Capital projects** The board of regents of the University of Minnesota and the board of trustees of the Minnesota state colleges and universities are requested to consider the following criteria in establishing priorities for requests for bond funds for capital projects:

- (1) maintenance and preservation of existing facilities,
- (2) completion of projects that have received funding,
- (3) updating facilities to meet contemporary needs,
- (4) providing geographic distribution of capital projects, and
- (5) maximizing the use of nonstate contributions.

**History** 1994 c 532 art 3 s 5, 2000 c 492 art 1 s 50

**135A 04 VARIABLE TUITION**

The board of regents of the University of Minnesota and the board of trustees of the Minnesota state colleges and universities shall each establish tuition. Tuition may vary by program, level of instruction, cost of instruction, or other classifications determined by each board. Tuition may be set at any percentage of instructional cost established by the respective boards.

**History** 1983 c 258 s 32, 1Sp1985 c 11 s 16, 1987 c 401 s 9, 1988 c 703 art 1 s 9, 1994 c 532 art 3 s 6, 1995 c 212 art 4 s 64

**135A 041 FEE STATEMENT**

Beginning in the 1993-1994 academic year, fee statements at all public post-secondary campuses shall indicate the state paid portion of the cost of an average student's education in that system by including the following statement "Tuition pays for approximately % of the cost of a student at a public college The State of Minnesota pays approximately \$ of the average cost for full-time students"

**History** *1Sp1993 c 2 art 3 s 15*

**135A 042 FEE WAIVER**

The president of a state university, community college, or technical college may waive the fee assessed to a student applying for admission, if the president determines that the fee would impose an economic hardship on the student or the student's family

**History** *1995 c 212 art 2 s 2*

**135A.045 POST SECONDARY SYSTEMS**

Each post-secondary governing board shall report on any petroleum tank release cleanup fund reimbursements as part of each biennial budget request The board shall specify its costs in relation to any tank removal, replacement, and cleanup and shall identify all petroleum tank release cleanup fund reimbursements it received or assigned and the specific activity for which the reimbursement or assignment was made The board must place all reimbursements it receives into its capital repair and betterment account

**History** *1994 c 643 s 64, 1995 c 254 art 1 s 96*

**135A 046 HIGHER EDUCATION ASSET PRESERVATION AND REPLACEMENT**

Subdivision 1 **Purpose** The legislature recognizes that post-secondary governing boards operate campus physical plants that in number, size, and programmatic use differ significantly from the physical plants operated by state departments and agencies However, the legislature recognizes the need for standards to aid in categorizing and funding capital projects The purpose of this section is to provide standards for those higher education projects that are intended to preserve and replace existing campus facilities

Subd 2 **Standards** Capital budget expenditures for Higher Education Asset Preservation and Replacement (HEAPR) projects must be for one or more of the following code compliance including health and safety, Americans with Disabilities Act requirements, hazardous material abatement, access improvement, or air quality improvement, or building or infrastructure repairs necessary to preserve the interior and exterior of existing buildings, or renewal to support the existing programmatic mission of the campuses

Subd 3 **Reporting priorities** Each post-secondary governing board shall establish priorities within its Higher Education Asset Preservation and Replacement projects By January 15 of each year, it shall submit to the commissioner of finance and to the chairs of the higher education finance divisions, the senate finance committee, and the house of representatives capital investment committee a list of the projects that have been paid for with money from a higher education asset preservation and replacement appropriation during the preceding calendar year as well as a list of those priority projects for which Higher Education Asset Preservation and Replacement appropriations will be sought in that year's legislative session

**History** *1994 c 643 s 65, 1996 c 463 s 41*

**135A 05** [Expired, Repealed, 1994 c 532 art 3 s 9]

## ACADEMICS, PROGRAMS, MISSIONS

## 135A 051 PROGRAM REQUIREMENTS

Subdivision 1 **Extended time** A student shall be entitled to complete a program according to the requirements in effect at the time the student began the program for 12 months beyond the time usually required to complete a program

Subd 2 **Program terminated** The provisions of this section do not apply to a program or course which is discontinued by an institution

Subd 3 **Applicability** The provisions of this section apply to a student enrolled in a technical college, community college, state university, and the University of Minnesota

**History** 1983 c 166 s 2, 1987 c 258 s 12, 1989 c 246 s 2

## 135A 052 POST SECONDARY MISSIONS

Subdivision 1 **Statement of missions** The legislature recognizes each type of public post-secondary institution to have a distinctive mission within the overall provision of public higher education in the state and a responsibility to cooperate with each other. These missions are as follows:

(1) the technical colleges shall offer vocational training and education to prepare students for skilled occupations that do not require a baccalaureate degree

(2) the community colleges shall 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, for students transferring to baccalaureate institutions and for those seeking associate degrees,

(3) consolidated community technical colleges shall offer the same types of instruction, programs, certificates, diplomas, and degrees as the technical colleges and community colleges offer,

(4) the state universities shall offer undergraduate and graduate instruction through the master's degree, including specialist certificates, in the liberal arts and sciences and professional education, and

(5) the University of Minnesota shall offer undergraduate, graduate, and professional instruction through the doctoral degree, and shall be the primary state supported academic agency for research and extension services

It is part of the mission of each system that within the system's resources the system's governing board and chancellor or president shall endeavor to

(a) prevent the waste or unnecessary spending of public money,

(b) use innovative fiscal and human resource practices to manage the state's resources and operate the system as efficiently as possible,

(c) coordinate the system's activities wherever appropriate with the activities of the other system and governmental agencies,

(d) use technology where appropriate to increase system productivity, improve customer service, increase public access to information about the system, and increase public participation in the business of the system,

(e) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A, and

(f) recommend to the legislature appropriate changes in law necessary to carry out the mission of the system

Subd 2 [Repealed, 1995 c 212 art 3 s 60]

Subd 3 [Repealed, 1995 c 212 art 3 s 60]

**History** 1991 c 356 art 2 s 1, 1995 c 248 art 11 s 10, 1997 c 183 art 3 s 10

**135A 053 STATE HIGHER EDUCATION POLICY**

Subdivision 1 **Statewide objectives** Minnesota's higher education investment is made in pursuit of the following objectives

(1) to ensure quality - to provide a level of excellence that is competitive on a national and international level, through high quality teaching, scholarship, and learning in a broad range of arts and sciences, technical education, and professional fields,

(2) to foster student success - to enable and encourage students to choose institutions and programs that are best suited for their talents and abilities, and to provide an educational climate that supports students in pursuing their goals and aspirations,

(3) to promote democratic values - to enhance Minnesota's quality of life by developing understanding and appreciation of a free and diverse society,

(4) to maintain access - to provide an opportunity for all Minnesotans, regardless of personal circumstances, to participate in higher education, and

(5) to enhance the economy - to assist the state in being competitive in the world market, and to prepare a highly skilled and adaptable workforce that meets Minnesota's opportunities and needs

Subd 2 **Performance and accountability** Higher education systems and campuses are expected to achieve the objectives in subdivision 1 and will be held accountable for doing so. The legislature is increasing the flexibility of the systems and campuses to provide greater responsibility to higher education in deciding how to achieve statewide objectives, and to decentralize authority so that those decisions can be made at the level where the education is delivered. To demonstrate their accountability, the legislature expects each system and campus to measure and report on its performance, using meaningful indicators that are critical to achieving the objectives in subdivision 1, as provided in section 135A 033. Nothing in this section precludes a system or campus from determining its own objectives and performance measures beyond those identified in this section.

**History** 1996 c 398 s 27

**135A 06 SYSTEM PLANS**

Subdivision 1 **Planning reports** It is the intention of the legislature that the planning efforts of the public post-secondary education systems be summarized and reported to the legislature. It is the further intention that the system missions be differentiated from one another to best serve the needs of the citizens of Minnesota. To accomplish these goals, the University of Minnesota board of regents and the board of trustees of the Minnesota state colleges and universities shall each submit to the governor and the legislature on December 1 of each even-numbered year a planning report for its system. The report shall contain the mission of the system and short- and long-range plans for programs, staff, and facilities. The assumptions used in developing the plans shall be included.

Subd 2 [Repealed, 1994 c 532 art 2 s 19]

Subd 3 [Repealed, 1994 c 532 art 2 s 19]

Subd 4 [Repealed, 1994 c 532 art 2 s 19]

Subd 5 [Repealed, 1994 c 532 art 2 s 19]

Subd 6 [Repealed, 1994 c 532 art 2 s 19]

**NOTE** Subdivision 4 was also amended by Laws 1994 chapter 643 section 66 to read as follows

Subd 4 **Capital requests** A capital budget request submitted by a system must specifically relate a proposed capital project to the plans required under this section.

In its planning for new program offerings at a particular campus, each public post secondary governing board shall consider the availability of physical space and the adequacy of facilities at that campus. If the board determines that new space or facilities are required, it shall examine the feasibility of developing the program at a different campus within its system or in cooperation with other systems and the higher education board. In planning for new library facilities, each public post secondary

governing board shall consider whether on campus student study space needs can be more efficiently accommodated within existing facilities

**History** 1983 c 258 s 34, 1Sp1985 c 11 s 18, 1987 c 401 s 10, 1989 c 293 s 14, 1990 c 375 s 3, 1990 c 591 art 3 s 2,3 1Sp1993 c 2 art 3 s 5, 1996 c 395 s 18

**135A 061** [Repealed, 1994 c 532 art 2 s 19]

**135A 07** [Repealed, 1Sp1985 c 11 s 81]

### **135A 08 CREDIT TRANSFER**

Subdivision 1 **Course equivalency** The regents of the University of Minnesota and the trustees of the Minnesota state colleges and universities shall develop and maintain course equivalency guides for use between institutions that have a high frequency of transfer. Course equivalency guides shall not be required for vocational technical programs that have not been divided into identifiable courses. The governing boards of private institutions that grant associate and baccalaureate degrees and that have a high frequency of transfer students are requested to participate in developing these guides.

Subd 2 **Common numbering** The regents of the University of Minnesota and the trustees of the Minnesota state colleges and universities shall develop and maintain a common numbering convention to distinguish remedial, lower division, upper division, and graduate level coursework. The governing boards of private institutions that grant associate and baccalaureate degrees are requested to cooperate in the development of this numbering convention.

Subd 3 [Repealed, 1995 c 212 art 3 s 60]

**History** 1Sp1985 c 11 s 19, 1990 c 375 s 3, 1995 c 212 art 3 s 3,4

### **135A 081 REMEDIAL INSTRUCTION, HIGH SCHOOL DIPLOMA WARRANTY**

Subdivision 1 **Conditions** A public post-secondary institution may provide remedial instruction if within 12 months of first enrollment, the institution determines that the student's English language reading or writing ability, or the student's mathematic ability does not rise to the level that is a necessary prerequisite to minimally acceptable comprehension of entry level courses or programs at the institution.

Subd 2 **Confirmation** The institution's determination of a student's substandard ability is confirmed if the student scores below 12th grade level in a standardized test in any of the following areas covered by the determination: English language reading comprehension, English language composition, or mathematics.

Subd 3 **High school diploma warranty coverage** (a) If a student who graduated from a public high school scores below the 8th grade level on a confirming test, the student's high school shall pay the tuition for the student for all remedial courses in the area covered by the confirming test that the student takes in the first year after the student's graduation from high school. The student's high school shall pay one-half of the tuition for the student for all remedial courses in the area covered by the confirming test that the student takes in the second year after the student's graduation from high school. This subdivision shall apply to students graduating from a public high school on or after May 1, 1999.

(b) The payment of tuition by the public high school shall be waived if the high school can demonstrate, through the results of a standardized test, that the student had attained 8th grade level performance in the area covered by the confirming test prior to graduation.

Subd 4 **No credits, student costs** A post-secondary institution providing remedial instruction under this section must not award credit to a student toward a degree or program completion for remedial instruction provided under this section.

Subd 5 **Just claim** A request for payment for remedial instruction to a student under this section is, under section 123B 02, subdivision 17, a just claim against the school district that includes the student's high school.

**History** 1Sp1997 c 4 art 7 s 40, 1998 c 397 art 11 s 3

**135A 09** [Repealed, 1995 c 212 art 3 s 60]

**135A 10** Subdivision 1 [Repealed, 1996 c 310 s 1]

Subd 2 [Repealed, 1991 c 265 art 11 s 26]

### **135A 101 POST-SECONDARY ENROLLMENT OPTIONS**

Subdivision 1 **Requirements for participation** To participate in the post-secondary enrollment options program, a college or university must abide by the provisions in this section. The institution may provide information about its programs to a secondary school or to a pupil or parent, but may not recruit or solicit participation on financial grounds.

Subd 2 **Prohibition** An institution shall not enroll secondary pupils, for post-secondary enrollment options purposes, in developmental courses or other courses that are not college level. For the purposes of this section, a "developmental course" means a post-secondary course taken to prepare a student for college-level work and for which the post-secondary institution does not grant credit or which cannot be used to meet degree, diploma, or certificate requirements.

**History** 1995 c 212 art 2 s 3

**135A 11** [Repealed, 1995 c 212 art 3 s 60]

### **135A 12 UNIQUE NEEDS AND ABILITIES OF AMERICAN INDIAN PEOPLE**

Subdivision 1 **Applicability** This section applies to each public post-secondary governing board and each public post-secondary institution.

Subd 2 **Programs and services** The board of each institution, at the request of ten or more full-time American Indian students, shall establish an advisory committee, in consultation with tribal designated representatives. The advisory committee shall recommend instructional programs and student services to meet the unique needs of American Indian people.

Subd 3 **American Indian languages** A student who is proficient in an American Indian language shall have the opportunity to be assessed, placed, or to receive credit for skills in that language in the same manner that a student is assessed, placed, or receives credit for skills in languages other than the English language.

Subd 4 **Qualifications for American Indian studies and services** American Indian individuals who understand and have demonstrated knowledge of American Indian language, history, or culture may be considered to be competent to provide instruction in American Indian language, history, or culture programs. Qualifications to provide noninstructional services at post-secondary institutions for American Indian people must take into consideration knowledge of and understanding of American Indian language, history, or culture.

Subd 5 [Repealed, 1995 c 212 art 3 s 60]

**History** 1988 c 703 art 1 s 11, 1989 c 246 s 2, 1995 c 212 art 3 s 6

## **MISCELLANEOUS**

### **135A 13 STUDENT SERVICES PRICES**

The governing board of each public post-secondary system is requested to establish prices for goods and services sold through student services that approximate as nearly as possible the cost of providing quality goods and services.

**History** 1988 c 703 art 1 s 12

### **135A 131 LOCAL ASSESSMENT**

Each public post-secondary governing board may pay when due any assessment by a local unit of government that is less than five percent of the board's appropriation for repair and replacement.

**History** 1991 c 356 art 3 s 6



**135A 14 STATEMENT OF IMMUNIZATION OF POST-SECONDARY STUDENTS**

Subdivision 1 **Definitions** As used in this section, the following terms have the meanings given them

(a) "Administrator" means the administrator of the institution or other person with general control and supervision of the institution

(b) "Public or private post-secondary educational institution" or "institution" means any of the following institutions having an enrollment of more than 100 persons during any quarter, term, or semester during the preceding year (1) the University of Minnesota, (2) the state universities, (3) the state community colleges, (4) public technical colleges, (5) private four-year, professional and graduate institutions, (6) private two-year colleges, and (7) schools subject to either chapter 141, sections 136A 61 to 136A 71, or schools exempt under section 136A 657, and which offer educational programs within the state for an academic year greater than six consecutive months An institution's report to the Minnesota higher education services office or the Minnesota department of children, families, and learning may be considered when determining enrollment

(c) "Student" means a person born after 1956 who did not graduate from a Minnesota high school in 1997 or later, and who is (1) registering for more than one class during a full academic term, such as a quarter or a semester or (2) housed on campus and is registering for one or more classes Student does not include persons enrolled in extension classes only or correspondence classes only

Subd 2 **Statement of immunization required** Except as provided in subdivision 3, no student may remain enrolled in a public or private post-secondary educational institution unless the student has submitted to the administrator a statement that the student has received appropriate immunization against measles, rubella, and mumps after having attained the age of 12 months, and against diphtheria and tetanus within ten years of first registration at the institution This statement must indicate the month and year of each immunization given Instead of submitting a statement, a student may provide an immunization record maintained by a school according to section 121A 15, subdivision 7, or a school in another state if the required information is contained in the record A student who has submitted a statement as provided in this subdivision may transfer to a different Minnesota institution without submitting another statement if the student's transcript or other official documentation indicates that the statement was submitted

Subd 3 **Exemptions from immunization** (a) An immunization listed in subdivision 2 is not required if the student submits to the administrator a statement signed by a physician that shows

- (1) that, for medical reasons, the student did not receive an immunization,
- (2) that the student has experienced the natural disease against which the immunization protects, or
- (3) that a laboratory has confirmed the presence of adequate immunity

(b) If the student submits a notarized statement that the student has not been immunized as required in subdivision 2 because of the student's conscientiously held beliefs, the immunizations described in subdivision 2 are not required The institution shall forward this statement to the commissioner of health

Subd 4 **Immunization files required** The institution must maintain an immunization record for each student governed by this section for at least one year from the time of original filing The immunization records may be inspected by the department of health and the local board of health in whose jurisdiction the institution is located

Subd 5 **Deadline for submitting statement** The institution shall require that the statement from the student, as required within subdivision 2 or 3, be submitted within 45 days of commencement of the academic term for which the student has registered

Subd 6 **Hepatitis information** All public and private post-secondary education institutions shall provide information regarding the transmission, treatment, and pre-

vention of hepatitis A, B, and C, to all persons who are first-time enrollees. The department of health shall be consulted regarding the preparation of these materials.

**History** 1989 c 215 s 8, 1989 c 246 s 2, 1995 c 212 art 3 s 59, 1Sp1995 c 3 art 16 s 13, 1996 c 398 s 28, 1998 c 397 art 11 s 3, 1999 c 214 art 2 s 2

### 135A.15 SEXUAL HARASSMENT AND VIOLENCE POLICY

**Subdivision 1 Policy required** The board of trustees of the Minnesota state colleges and universities shall, and the University of Minnesota is requested to, adopt a clear, understandable written policy on sexual harassment and sexual violence that informs victims of their rights under the crime victims bill of rights, including the right to assistance from the crime victims reparations board and the office of the crime victim ombudsman. The policy must apply to students and employees and must provide information about their rights and duties. The policy must apply to criminal incidents occurring on property owned by the post-secondary system or institution in which the victim is a student or employee of that system or institution. It must include procedures for reporting incidents of sexual harassment or sexual violence and for disciplinary actions against violators. During student registration, each technical college, community college, or state university shall, and the University of Minnesota is requested to, provide each student with information regarding its policy. A copy of the policy also shall be posted at appropriate locations on campus at all times. Each private post-secondary institution that is an eligible institution as defined in section 136A.101, subdivision 4, must adopt a policy that meets the requirements of this section.

**Subd. 2 Victims' rights** The policy required under subdivision 1 shall, at a minimum, require that students and employees be informed of the policy, and shall include provisions for

(1) filing criminal charges with local law enforcement officials in sexual assault cases,

(2) the prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of a sexual assault incident,

(3) an investigation and resolution of a sexual assault complaint by campus disciplinary authorities,

(4) a sexual assault victim's participation in and the presence of the victim's attorney or other support person at any campus disciplinary proceeding concerning a sexual assault complaint,

(5) notice to a sexual assault victim of the outcome of any campus disciplinary proceeding concerning a sexual assault complaint, consistent with laws relating to data practices,

(6) the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a sexual assault incident,

(7) the assistance of campus authorities in preserving for a sexual assault complainant or victim materials relevant to a campus disciplinary proceeding, and

(8) the assistance of campus personnel, in cooperation with the appropriate law enforcement authorities, at a sexual assault victim's request, in shielding the victim from unwanted contact with the alleged assailant, including transfer of the victim to alternative classes or to alternative college-owned housing, if alternative classes or housing are available and feasible.

**History** 1989 c 293 s 15, 1992 c 571 art 5 s 1, 1995 c 212 art 3 s 7

### 135A.153 HIGHER EDUCATION CENTER ON VIOLENCE AND ABUSE

**Subdivision 1 Creation and designation** The higher education center on violence and abuse is created. The higher education center on violence and abuse shall be located at and managed by a public or private post-secondary institution in Minnesota.

Subd 2 [Repealed, 1995 c 212 art 3 s 60]

Subd 3 **Duties** The higher education center on violence and abuse shall

(1) serve as a clearinghouse of information on curriculum models and other resources for professional education and for education of faculty, students, and staff about violence and harassment required under Laws 1992, chapter 571, article 16, section 1,

(2) sponsor conferences and research to assist higher education institutions in developing curricula about violence and abuse,

(3) fund pilot projects to stimulate multidisciplinary curricula about violence and abuse, and

(4) coordinate policies to ensure that professions and occupations with responsibilities toward victims and offenders have the knowledge and skills needed to prevent and respond appropriately to the problems of violence and abuse

Subd 4 **Professional education and licensure** The center shall convene task forces for professions that work with victims and perpetrators of violence. Task forces must be formed for the following professions: teachers, school administrators, guidance counselors, law enforcement officers, lawyers, physicians, nurses, psychologists, and social workers. Each task force must include representatives of the licensing agency, higher education systems offering programs in the profession, appropriate professional associations, students or recent graduates, representatives of communities served by the profession, and employers or experienced professionals. The center must establish guidelines for the work of the task forces. Each task force must review current programs, licensing regulations and examinations, and accreditation standards to identify specific needs and plans for ensuring that professionals are adequately prepared and updated on violence and abuse issues.

Subd 5 **Progress report** The center shall provide a progress report to the legislature by March 15, 1996.

**History** 1993 c 326 art 12 s 15, 1995 c 212 art 3 s 8, 53, 54, 59

### 135A 155 HAZING POLICY

The board of trustees of the Minnesota state colleges and universities shall and the University of Minnesota is requested to, adopt a clear, understandable written policy on student conduct, including hazing. The policy must include procedures for reporting incidents of inappropriate hazing and for disciplinary actions against individual violators and organizations. The policy shall be made available to students by appropriate means as determined by each institution, which may include publication in a student handbook or other institutional publication, or posting by electronic display on the Internet, and shall be posted at appropriate locations on campus. A private post-secondary institution that is an eligible institution as defined in section 136A 101, subdivision 4, must adopt a policy that meets the requirements of this section.

**History** 1Sp1997 c 4 art 7 s 41, 1999 c 214 art 2 s 3

### 135A 16 POLICY FOR STUDENTS WITH DISABILITIES

Subdivision 1 **Development** Each public post-secondary governing board shall have a policy to provide for the needs of enrolled or admitted students on its campuses who have disabilities under section 504 of the Rehabilitation Act of 1973, Public Law Number 93-112. Governing boards of private post-secondary institutions are requested to develop similar policies.

Subd 2 **Content** Each policy shall include a list of services each campus must make available to any student who, through a recent assessment, can document a disability. The following three services must be included in the policy:

(1) support, counseling, and information that may include support groups, individual counseling, career counseling and assessment, and referral services,

(2) academic assistance services that may include early registration services, early syllabus availability, course selection and program advising, coursework and testing assistance and modification, and tutoring, and

(3) advocacy services that may include a designated ombudsman serving as the primary contact and coordinator for students needing services, assistance in working individually with faculty and administrators, intervention procedures, and grievance procedures

**Subd 3 Availability** The policy and related information must be readily available to enrolled students and applicants for admission. At a minimum, information on services, including a contact person and location, must be included in the campus catalog and in the schedule of course offerings each term

**History** 1991 c 173 s 1

### 135A.17 PROVISIONS TO FACILITATE VOTING

**Subdivision 1 Identification cards** All post-secondary institutions that enroll students accepting state or federal financial aid may provide every full-time student a student identification card that contains the enrolling student's photograph and name

**Subd 2 Residential housing list** All post-secondary institutions that enroll students accepting state or federal financial aid may prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus. The list shall include each student's current address. The list shall be certified and sent to the appropriate county auditor or auditors for use in election day registration as provided under section 201.061, subdivision 3

**History** 1991 c 227 s 2

### 135A.18 AUTHORIZATION FOR AGREEMENTS

The governing board of a public post-secondary system may enter into an agreement with a school board to provide a nonsectarian course taught by secondary teachers or post-secondary faculty members to an eligible pupil, as defined in section 124D.09, subdivision 5, and offered at a secondary school or another location

**History** 1992 c 499 art 9 s 14, 1998 c 397 art 11 s 3

### 135A.181 [Repealed, 1995 c 212 art 2 s 4]

### 135A.19 FINANCIAL EMERGENCY

The board of trustees of the Minnesota state colleges and universities and the board of regents of the University of Minnesota may immediately lay off employees, without notice, if the respective board has declared a financial emergency. All other contractual provisions relating to layoffs continue to apply. A financial emergency may be declared if, at any time (1) the projected revenue for the system from tuition and the general fund for the current or next fiscal year is less than 93 percent of the anticipated expenditures in the board approved budget, and (2) if tuition would need to be increased more than three times the annual inflation rate to solve the shortfall

For employees of the Minnesota state colleges and universities covered under a collective bargaining agreement, this section applies to all collective bargaining agreements effective after July 1, 1995, and shall be effective for each collective bargaining agreement covering those employees the day after it has been ratified by the legislative commission on employee relations. For represented employees of the University of Minnesota, this section applies the day following signing of the next agreement. For employees not covered by a collective bargaining agreement, this section is effective July 1, 1995. The board of trustees of the Minnesota state colleges and universities and the board of regents of the University of Minnesota shall balance layoffs of faculty, other employees, and administrators. The boards should strive to provide uninterrupted service and instruction to students

**History** 1995 c 212 art 2 s 5

**MIDWESTERN HIGHER EDUCATION COMPACT****135A 20 MIDWESTERN HIGHER EDUCATION COMPACT**

The Midwestern Higher Education Compact is enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows

**ARTICLE I****Purpose**

The purpose of the Midwestern Higher Education Compact shall be to provide greater higher education opportunities and services in the Midwestern region, with the aim of furthering regional access to, research in and choice of higher education for the citizens residing in the several states which are parties to this compact

**ARTICLE II****The Commission**

(A) The compacting states hereby create the Midwestern Higher Education Commission, hereinafter called the commission. The commission shall be a body corporate of each compacting state. The commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(B) The commission shall consist of five resident members of each state as follows: the governor or the governor's designee who shall serve during the tenure of office of the governor, two legislators, one from each house (except Nebraska, which may appoint two legislators from its unicameral legislature), who shall serve two-year terms and be appointed by the appropriate appointing authority in each house of the legislature, and two other at-large members, at least one of whom shall be selected from the field of higher education. The at-large members shall be appointed in a manner provided by the laws of the appointing state. One of the two at-large members initially appointed in each state shall serve a two-year term. The other and any regularly appointed successor to either at-large member, shall serve a four-year term. All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term.

(C) The commission shall select annually, from among its members: a chair, a vice-chair and a treasurer.

(D) The commission shall appoint an executive director who shall serve at its pleasure and who shall act as secretary to the commission. The treasurer, the executive director and such other personnel as the commission may determine, shall be bonded in such amounts as the commission may require.

(E) The commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a majority of the commission members of three or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(F) Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

**ARTICLE III****Powers and Duties of the Commission**

(A) The commission shall adopt a seal and suitable bylaws governing its management and operations.

(B) Irrespective of the civil service, personnel or other merit system laws of any of the compacting states, the commission in its bylaws shall provide for the personnel policies and programs of the compact

(C) The commission shall submit a budget to the governor and legislature of each compacting state at such time and for such period as may be required. The budget shall contain specific recommendations of the amount or amounts to be appropriated by each of the compacting states

(D) The commission shall report annually to the legislatures and governors of the compacting states, to the Midwestern Governors' Conference and to the Midwestern Legislative Conference of the Council of State Governments concerning the activities of the commission during the preceding year. Such reports shall also embody any recommendations that may have been adopted by the commission

(E) The commission may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, foundation, person, firm or corporation

(F) The commission may accept for any of its purposes and functions under the compact, any and all donations and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, foundation, person, firm, or corporation, and may receive, utilize and dispose of the same

(G) The commission may enter into agreements with any other interstate education organizations or agencies and with higher education institutions located in nonmember states and with any of the various states of these United States to provide adequate programs and services in higher education for the citizens of the respective compacting states. The commission shall, after negotiations with interested institutions and interstate organizations or agencies, determine the cost of providing the programs and services in higher education for use in these agreements

(H) The commission may establish and maintain offices, which shall be located within one or more of the compacting states

(I) The commission may establish committees and hire staff as it deems necessary for the carrying out of its functions

(J) The commission may provide for actual and necessary expenses for attendance of its members at official meetings of the commission or its designated committees

#### ARTICLE IV

##### Activities of the Commission

(A) The commission shall collect data on the long-range effects of the compact on higher education. By the end of the fourth year from the effective date of the compact and every two years thereafter, the commission shall review its accomplishments and make recommendations to the governors and legislatures of the compacting states on the continuance of the compact

(B) The commission shall study issues in higher education of particular concern to the Midwestern region. The commission shall also study the needs for higher education programs and services in the compacting states and the resources for meeting such needs. The commission shall, from time to time, prepare reports on such research for presentation to the governors and legislatures of the compacting states and other interested parties. In conducting such studies, the commission may confer with any national or regional planning body. The commission may draft and recommend to the governors and legislatures of the various compacting states suggested legislation dealing with problems of higher education

(C) The commission shall study the need for provision of adequate programs and services in higher education, such as undergraduate, graduate or professional student exchanges in the region. If a need for exchange in a field is apparent, the commission may enter into such agreements with any higher education institution and with any of the compacting states to provide programs and services in higher education for the

citizens of the respective compacting states. The commission shall, after negotiations with interested institutions and the compacting states, determine the cost of providing the programs and services in higher education for use in its agreements. The contracting states shall contribute the funds not otherwise provided, as determined by the commission, for carrying out the agreements. The commission may also serve as the administrative and fiscal agent in carrying out agreements for higher education programs and services.

(D) The commission shall serve as a clearinghouse on information regarding higher education activities among institutions and agencies.

(E) In addition to the activities of the commission previously noted, the commission may provide services and research in other areas of regional concern.

## ARTICLE V

### Finance

(A) The monies necessary to finance the general operations of the commission not otherwise provided for in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states.

(B) The commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same, nor shall the commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(C) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(D) The accounts of the commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states and persons authorized by the commission.

## ARTICLE VI

### Eligible Parties and Entry Into Force

(A) The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin shall be eligible to become party to this compact. Additional states will be eligible if approved by a majority of the compacting states.

(B) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law, provided that it shall not become initially effective until enacted into law by five states prior to the 31st day of December 1995.

(C) Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

## ARTICLE VII

### Withdrawal, Default, and Termination

(A) Any compacting state may withdraw from this compact by enacting a statute repealing the compact, but such withdrawal shall not become effective until two years after the enactment of such statute. A withdrawing state shall be liable for any obligations which it may have incurred on account of its party status up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it shall remain liable to the extent of such obligation.

(B) If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other member states. Any such defaulting state may be reinstated by performing all acts and obligations as stipulated by the commission.

## ARTICLE VIII

### Severability and Construction

The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

**History** 1990 c 518 s 1

### 135A.21 MEMBERS OF THE COMMISSION

Minnesota members of the Midwestern Higher Education Commission must be appointed as provided in this section. One legislative member must be a member of the house of representatives appointed by the speaker of the house for a two-year term, one legislative member must be a member of the senate appointed by the subcommittee on committees of the rules and administration committee for a two-year term. Two at large members, at least one of whom must be selected from the field of higher education, must be appointed by the governor. One at-large member must be appointed to a two year term, one at large member and any regularly appointed successor to either at large position must be appointed to a four year term. Vacancies must be filled by the appointing authority for the remainder of the unexpired term.

**History** 1990 c 518 s 2

### 135A.22 EFFECT ON RECIPROCITY

The enactment of the Midwestern Higher Education Compact has no effect on tuition reciprocity agreements under section 136A.08 that exist at the time of enactment.

**History** 1990 c 518 s 3

## ACADEMIC EXCELLENCE SCHOLARSHIPS

### 135A.30 MINNESOTA ACADEMIC EXCELLENCE SCHOLARSHIP

**Subdivision 1 Creation.** The Minnesota academic excellence scholarship program is created to reward students who have demonstrated outstanding ability, achievement, and potential in one of the following subjects: English/creative writing, fine arts, foreign language, math, science, or social science.

**Subd. 2 Eligibility.** To be eligible to receive a scholarship under this section, a student must



(1) graduate from a Minnesota public or nonpublic high school in the academic year in which the scholarship is awarded,

(2) successfully complete a college preparatory curriculum and demonstrate outstanding ability, achievement, and potential in one of the specified subjects,

(3) be admitted to enroll full time in a nonsectarian, baccalaureate degree-granting program at the University of Minnesota or at a Minnesota state university, or at a Minnesota private, baccalaureate degree granting college or university, and

(4) pursue studies in the subject for which the award is made

**Subd 3 Selection of recipients** The governing board of an eligible institution shall determine, in consultation with its campuses, application dates and procedures, criteria to be considered, and methods of selecting students to receive scholarships. A campus, with the approval of its governing board, may award a scholarship in any of the specified fields of study (1) in which the campus offers a program that is of the quality and rigor to meet the needs of the talented student, and (2) that is pertinent to the mission of the campus.

**Subd 4 Amount of scholarship** The amount of the scholarship must be (1) at public institutions, the cost of tuition and fees for full-time attendance for one academic year, or (2) at private institutions, an amount equal to the lesser of the actual tuition and fees charged by the institution or the tuition and fees in comparable public institutions. Scholarships awarded under this section must not be considered in determining a student's financial need as provided in section 136A.101, subdivision 5.

**Subd 5 Renewals** The scholarship shall be renewed yearly, for up to three additional academic years, if the student

(1) maintains full time enrollment with a grade point average of at least 3.0 on a four point scale,

(2) pursues studies and continues to demonstrate outstanding ability, achievement, and potential in the field for which the award was made, and

(3) is achieving satisfactory progress toward a degree.

**Subd 6 Number of awards** The number of scholarships awarded each year shall be determined by the amount of contributions received under subdivision 8 plus the money available in the scholarship account, as provided in section 168.129, subdivision 6, that is credited to a post secondary institution or system through sales of its license plates. The number of new awards must be determined after subtracting the actual and projected amount necessary for renewals.

**Subd 7 Distribution among campuses** Post-secondary systems with more than one campus shall allocate at least three-fourths of the revenue available from the sale of license plates to the campuses to which the revenue is attributable. The governing board annually shall determine the distribution of the remaining portion among the campuses, after consideration of special needs or circumstances.

**Subd 8 Additional contributions** A post secondary system or campus may accept contributions, beyond those raised through the sale of license plates, to supplement the campus fund for academic excellence scholarships.

**History** 1991 c 356 art 7 s 1

**135A.50** [Repealed, 1992 c 513 art 1 s 28]

## SENIOR CITIZENS HIGHER EDUCATION PROGRAM

### 135A.51 DEFINITIONS

**Subdivision 1** For the purposes of this section and section 135A.52, the following words have the meanings ascribed to them:

**Subd 2** "Senior citizen" means a person who has reached 62 years of age before the beginning of any term, semester or quarter, in which a course of study is pursued.

Subd 3 "Course" means any course of study offered by a state supported institution of higher education in the regular curriculum of a department, school or subdivision of the institution, or a special course given for any purpose, including, but not limited to, adult education

Subd 4 "Legal resident" means a person who fulfills the residency criteria now or hereafter applicable to students of a state supported institution of higher education

Subd 5 "Institution of higher education" means a state university, community college, technical college, or the University of Minnesota

**History** 1975 c 219 s 1, 1975 c 321 s 2, 1987 c 258 s 12, 1989 c 246 s 2, 1995 c 212 art 3 s 59

### 135A 52 PROGRAM AND QUALIFICATIONS

**Subdivision 1 Fees and tuition** Except for an administration fee established by the governing board at a level to recover costs, to be collected only when a course is taken for credit, a senior citizen who is a legal resident of Minnesota is entitled without payment of tuition or activity fees to attend courses offered for credit, audit any courses offered for credit, or enroll in any noncredit adult vocational education courses in any state supported institution of higher education in Minnesota when space is available after all tuition-paying students have been accommodated. For the purposes of this section and section 135A 51, the term "noncredit adult vocational education courses" shall not include those adult vocational education courses designed and offered specifically and exclusively for senior citizens

The provisions of this section and section 135A 51 do not apply to noncredit courses designed and offered by the University of Minnesota, and the Minnesota state colleges and universities specifically and exclusively for senior citizens. Senior citizens enrolled under the provisions of this section and section 135A 51 shall not be included by such institutions in their computation of full time equivalent students when requesting staff or appropriations. The enrollee shall pay laboratory or material fees

**Subd 2 Term, income of senior citizens** There shall be no limit to the number of terms, quarters or semesters a senior citizen may attend courses, nor income limitation imposed in determining eligibility

**Subd 3 Catalogue statement** Each state supported institution of higher education shall prominently include in its catalogue a statement of benefits provided for senior citizens

**Subd 4 Determination of qualifications** The institution shall determine whether a person qualifies for, and require execution of appropriate forms to request the senior citizen benefits

**Subd 5 Placement** The institution shall refer interested senior citizens to social service, community, and educational agencies for employment or volunteer work

**History** 1975 c 219 s 2 6, 1981 c 194 s 3, 1982 c 548 art 4 s 12, 1984 c 654 art 4 s 24, 1987 c 258 s 12, 1989 c 246 s 2, 1995 c 212 art 3 s 42,59