

PART 1. POLICY STATEMENT

Minnesota State Colleges and Universities (MnSCU) is committed to a policy of nondiscrimination in employment and educational opportunity. 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, or sexual orientation. In addition, discrimination in employment based on 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, or sexual orientation is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

SCOPE

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 where verbal statements and other forms of expression are involved, MnSCU 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 educational community benefit from it without intimidation, exploitation or coercion.

This policy shall apply to all individuals affiliated with MnSCU, 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 non-discrimination policies.

PART 2. DEFINITIONS.

Subpart A. Consensual Relationship.

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 of Trustees Nepotism policy 4.10.

Subpart B. Discrimination.

Discrimination is defined as conduct that is directed at an individual because of their 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 is defined as verbal or physical conduct that is directed at an individual because of their 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, MnSCU has further defined sexual harassment as a form of sexual discrimination which is prohibited by state and federal law. Sexual harassment is defined as 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 and 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.

In addition to the internal complaint process, you may also file a complaint with the following organizations:

MN Department of Human Rights

(612) 296-5663 or 800-657-3704
TTY: (651) 296-1283
190 East 5th Street, Ste 700
St. Paul, MN 55101
www.humanrights.state.mn.us

Office for Civil Rights/ U.S. Department of Education

(312) 730-1560 or TDD: 877-521-2172
FAX: 312-730-1576
Email: OCR.Chicago@ed.gov (preferred)
www2.ed.gov/about/offices/list/ocr/index.html?src=oc

U.S. Equal Employment Opportunity Commission

1-800-669-4000 TTY: 1-800-669-6820
Chicago District Office
www.eeoc.gov/field/chicago

Other Resources:

- **LGBT Resource Center**
(320) 308-5166
www.stcloudstate.edu/lgbt
- **Human Resources Office**
(320) 308-3203
www.stcloudstate.edu/humanresources
- **Mediation Program**
(320) 308-5289
www.stcloudstate.edu/mediation
- **Student Disability Services**
(320) 308-4080
www.stcloudstate.edu/sds
- **Student Life & Development**
(320) 308-3111
www.stcloudstate.edu/sld
- **Student Judicial Affairs**
(320) 308-4247
- **University Public Safety**
(320) 308-3453
www.stcloudstate.edu/publicsafety
- **Women's Center**
(320) 308-4958
www.stcloudstate.edu/womenscenter
- **Union/Bargaining Unit Representative**
www.stcloudstate.edu/humanresources/bargainingunits.asp

Minnesota State Colleges & Universities

1B.1 Nondiscrimination in Employment and Education Opportunity Policy



ST. CLOUD STATE UNIVERSITY

Office of Equity & Affirmative Action

Subpart D. Employee.

MnSCU personnel include all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

Subpart E. Protected Class.

Protected class for the purpose of this policy means that discrimination and harassment in employment and education are prohibited on the basis of: race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance or sexual orientation. In addition, membership or activity in a local human rights commission is a protected class in employment.

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 made a complaint under this policy or 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; or associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation or national origin. 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 the system office or any college or university from taking immediate action to protect victims of alleged sexual abuse. MnSCU1B.3. Sexual Violence Policy addresses sexual violence.



Subpart H. Student.

“Student” means an individual who is:

- 1) admitted, enrolled, registered to take or is taking one or more courses, classes, or seminars, credit or noncredit, at any System college or university or in their international programs; or
- 2) between terms of a continuing course of study at the college or university, such as summer break between spring and fall academic terms; or
- 3) expelled or suspended from enrollment as a student at the college or university, during the pendency of any adjudication of the student disciplinary action.

PART 3. CONSENSUAL RELATIONSHIPS

An employee of MnSCU 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.

The chancellor shall establish procedures to implement this policy. The nondiscrimination in employment and education opportunity policy and procedures of colleges and universities shall comply with Policy 1B.1 and Procedure 1B.1.1.

Minnesota State Colleges and Universities system

Wells Fargo Place, 30 7th St. E., Suite 350,
St. Paul, MN 55101-7804
tel. (651) 201-1800 or (888) 667-2848
TTY (651) 282-2660
www.mnscu.edu

If you have any question about SCSU/MnSCU’s policy against discrimination or harassment, or the procedure for filing complaints, you are encouraged to contact the

Office of Equity & Affirmative Action

102 Administrative Services
720 Fourth Avenue South
St. Cloud, MN 56301-4498
Telephone: (320) 308-5123
Fax: (320) 308-6600
Email: affirmativeaction@stcloudstate.edu

For full text of SCSU/MnSCU’s 1B.1 Policy:
www.stcloudstate.edu/affirmativeaction/policies

PREVENTING DISCRIMINATION

As part of institutional strategy, SCSU provides anti-racism and anti-discrimination training to faculty, staff and students. SCSU provides continuing and targeted training of new and existing employees through:

Two online/web-based training modules available 24/7:

- A) Preventing Employment Discrimination
- B) Preventing Sexual Harassment

Direct link to the training:
http://training.newmedialearning.com/top_level/stcloudu/index.htm

St. Cloud State University is committed to providing equal education and employment opportunities to all students and employees regardless of race, color, creed, religion, national origin, sex (including pregnancy), marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age or genetic information. SCSU is an affirmative action/equal opportunity educator and employer.

This information is available on the OEAA website:
www.stcloudstate.edu/affirmativeaction/

Minnesota Relay Service (MRS): 1-800-627-3529

This material can be made available in an alternative format. Contact us at

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A MEMBER OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES SYSTEM