

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Charles T. Mottl
Special Assistant
Attorney General
State University Board

August 23, 1976

Copy below is hereby approved as to form and legality. WARREN SPANNAUS Attorney General By: CHARLES T. MOTTL (Special) (Assistant) Attorney General Date of Approval	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by: (Agency) Date of Adoption: By: Title: (Exec. Officer, Chairman or Sec.)	Name of Submitting Agency Name of Agency Subdivision Short Title List of Affected Rules

SCB 101 Individual. The term "individual" refers to a student, ~~a faculty member,~~ a professional support personnel staff member, ~~or an administrative officer~~ of any of the Minnesota State Colleges; an employee in the Office of the Chancellor; or a member of the Minnesota State College Board.

SCB 103 College and College Community. The terms "College" and "College Community" refer to all components of the College collectively. The components of a College are: the President ~~and other officers of administration [SCB 604],~~ ~~the faculty [SCB 701],~~ the students [SCB 801], and the professional support personnel [SCB 901]. In accordance with these Governing Rules and the College Constitution, the President shall designate to which component each College employee belongs. An individual employee may appeal his designation to the State College Board or its designee. Any individual enrolled in a course for credit or audit in the College is a member of the student component.

SCB 105 Internal Rules. Internal Rules are regulations of the State College Board concerning the internal management of the System. [M.S. 1969, Chapter 15.0411 Subd. 3(a)]. They apply throughout the System and shall be codified and remain in effect until explicitly repealed.

Prior to the adoption, repeal, or amendment of an Internal Rule, a hearing for individuals within the System shall be held by the Board or its designee, previous to which a copy of the proposed Rule or modification, together with the notice of the date, time, and place of the required hearing, shall be distributed by the Office of the Chancellor to each College President, to the principal agencies ~~for faculty and~~ for student participation in College governance, and to any other individuals or groups within the System which request in writing to the Office of the Chancellor that they receive copies of such documents. Said notice shall be distributed at least 15 and not more than 90 days prior to the hearing. The Office of the Chancellor shall codify all Internal Rules and distribute current copies to each President, to each College library, and to the organizations mentioned in ~~SCB 431 and~~ SCB 432. The copies in each library shall be available for inspection and duplication by any individual in accordance with the normal procedures of each library.

SCB 202 Repeal

SCB 203 Repeal

SCB 204 Fair Evaluations. ~~Faculty members,~~ Students, ~~and administrative officers~~ and other employees shall be evaluated for such official purposes as the awarding of grades and diplomas, and the granting of promotions, salary increases, and tenure solely on the basis of their performance in meeting appropriate standards established and com-

municated to them in advance of the assignment of responsibilities for which they will be evaluated.

SCB 205 Freedom from Disruption and Intimidation. Within the State College System ~~faculty members shall be free to teach and undertake research and related activities,~~ students shall be free to learn, ~~and administrative officers~~ and other employees shall be free to carry out their duties without harassment from those who would physically interfere with classes and other authorized activities or who would disrupt such activities by any action. Such individuals shall also be free from threats and efforts to intimidate them by any person or group.

SCB 251 Repeal

SCB 255 Repeal

SCB 306 (a) General Policies. By means of Internal Rules, the Board is empowered to establish general academic policies, including policies relative to program development, admissions, ~~faculty status,~~ and related matters, within which each of the State Colleges shall operate.

SCB 326 Notice of Meetings and Agendas. The Assistant Secretary shall prepare the agenda for meetings of the Board, placing thereon any item requested by a member of the Board, by the Chancellor, a State College President, or by any other individual or group authorized by these Governing Rules to request items for Board meeting agendas.

He shall distribute the agenda and notice of all regular and special meetings of the Board to members of the Board, the Presidents of the Colleges, the principal agencies ~~for faculty and~~ student participation in college governance and the organizations referred to in ~~SCB 431 and~~ SCB 432, and other persons designated by the Board, by these Governing Rules, or by statutes.

SCB 327 Minutes. A copy of the minutes of each Board meeting and each Board committee meeting shall be placed on file within 30 days of said meeting in the Chancellor's Office, each President's office, and the library of each College. The copies in each library shall be available for inspection and duplication by any individual in accordance with the normal procedures for the operation of each library. Copies of Board minutes shall also be sent to the organizations referred to in ~~SCB 431 and~~ SCB 432.

SCB 431 Repeal

SCB 501 Components of a College Community. Each State College is a Community the individual members of which are students, faculty ~~members, administrative officers,~~ and professional support personnel. Legal responsibility for the Community is vested in the President as its chief executive officer. These Governing Rules provide for each College Community to establish a system of governance appropriate to its needs and situations, the outlines of which shall be set forth in its Constitution. The precise role of each of the

components of a College Community in its governance and the structure of its system of governance may vary from College to College. Some Colleges may establish an all-college senate. Others may establish separate senates for various components. It is the explicit intention of these Governing Rules that the role of each component in the governance of each College be articulated as clearly as possible in order to minimize misunderstandings.

SCB 502 (b) Repeal

SCB 502 (d) Repeal

SCB 505 (b) Component Participation in College Governance. Consistent with the principles enumerated in SCB 502 each College Constitution shall set forth such provisions for participation in College governance as are appropriate to each component of the College Community, including ~~faculty members,~~ students, and the professional support personnel. Each Constitution shall recognize that different types and degrees of participation are appropriate for different components.

SCB 505 (c) College Regulations. Each College Constitution shall contain a description of the process for establishing or modifying College Regulations, which description shall include the responsibilities in this process of the President ~~and other administrative officers~~ and all other components of the College Community.

Each College is required to have regulations on the subjects listed below. A College may also have Regulations on such other subjects as are not expressly forbidden nor precluded by these Governing Rules, Internal Rules, or Operating Policies. All College Regulations must be consistent with these Governing Rules, Internal Rules, Operating Policies, and the College Constitution, as well as with public law.

(1) The recruitment, appointment, retention, evaluation, and removal of College employees, and the imposition of formal sanctions on such employees~~,-including-faculty-members-and-administrative officers,-the-granting-of-salary-increases,-tenure,-and-promotions to-such-employees,-and-the-assigning-of-duties-to-them~~.

SCB 506 (b) Action by the College. An amendment to a Constitution or a new Constitution which has been reviewed by the President of the College involved shall be submitted to separate secret ballot elections of the ~~faculty,~~-students, and professional support personnel of the College. If a majority of those casting valid ballots in each component's election vote for the Constitution or amendment the President shall submit, with his recommendation, the Constitution or amendment to the Board. If a majority of one of the foregoing components casting valid ballots in the election vote against the Constitution or amendment, but fewer than ten percent of the eligible voters in that component cast valid ballots, the President shall submit, with his recommendation, the Constitution or amendment to the Board. If more than ten percent of those eligible to vote in a component cast valid ballots, and the majority of those voting in that component cast

votes against the Constitution or amendment, the President shall not submit it to the Board. In this latter instance, the President shall call for another election as described above, prior to which he may call for the Constitution or amendment to be redrafted. Following the second election, the President may submit, with his recommendation, the Constitution or amendment to the Board.

SCB 602 (a) General Responsibilities. The President is the chief executive officer of the College and as such is responsible and accountable to the Board through the Chancellor for the operation of the College and its educational and related programs. The President shall carry out all duties which have been or may be delegated or assigned to him. He is empowered to take any action appropriate or necessary to carry out the duties and responsibilities assigned to him or his office. He may delegate the duties assigned to him to other administrative officers or other agencies of the College, including faculty members, students or College Committees subject to his right to resume any duty he delegates. He is empowered to take the initiative in the development of the College Constitution and amendments thereto, and in the development of any College Regulations, plans, or budgets. In those instances in which these Governing Rules provide for participation by ~~the faculty or~~ the students ~~(or both)~~ in the development of the Constitution, an amendment, a regulation, a plan or a budget, if the President is unable to secure such participation and if he is accountable to the Chancellor and the Board for operating the College or its programs in accordance with said Constitution, amendment, regulation, plan, or budget, the President shall proceed

to establish it, reporting in writing to the Chancellor, the Board, and the ~~principal faculty and~~ student agencies for participation in College governance his reasons for so acting. In those instances where ~~faculty or~~ student participation is required and the President acted without it, the principal agency for ~~faculty or~~ student participation in College governance may appeal the President's action to the Board, which may either confirm or modify the President's action.

SCB 602 (c) Repeal

SCB 604 Repeal

SCB 701 Repeal

SCB 702 Repeal

SCB 703 Repeal

SCB 704 Repeal

SCB 705 Repeal

SCB 706 Repeal

SCB 707 Repeal

SCB 708 Repeal

SCB 709 Repeal

SCB 710 Repeal

SCB 711 Repeal

SCB 712 Repeal

SCB 713 Repeal

SCB 714 Repeal

SCB 751 Repeal

SCB 752 Repeal

SCB 753 Repeal

SCB 803 Major Responsibilities of the Students in College Governance. Through agencies and procedures designated in the College Constitution or Regulations, students shall develop, in consultation with ~~faculty members and~~ appropriate administrative officers, the budgets for programs supported by the student activity fee. [M.S. 1969, Chapter 136.11; SCB Chapter Ten]. Students shall have major responsibility [See SCB 503] for the development of College Regulations pertaining to student relations, the conduct of students, college centers or student unions, and student housing; and for such other College Regulations as are designated in the College Constitutions.

APPROVED AS TO FORM AND LEGALITY

AUG 20 1976 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Miller

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 23 1976 4:10 PM.

Joan Anderson Growe
Secretary of State

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Michael B. Miller
Special Assistant Attorney General
G19K Administration Building

DATE: August 4, 1976

PHONE: 3854

FROM : Charles T. Mottl CTM
Special Assistant Attorney General
State University Board
303 Capitol Square Building

SUBJECT:

Attached hereto please find the required number of copies of the Rules as proposed and the Rules as adopted in the matter of the proposed amendment and repeal of Rules of the State University Board which are inconsistent with the provisions of collective bargaining agreements. The Rules as adopted are identical as proposed.

The top portion of the form for the State Register will be completed upon your approval of these Rules.

I would expect these Rules to be returned approximately August 26, 1976.

CTM:mp

Attachments

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Charles T. Mottl, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Charles T. Mottl

Special Assistant Attorney General

Dated: August 4, 1976.

Agency Exhibit I

AUTHORIZING RESOLUTION

RESOLVED that G. Theodore Mitau, Chancellor of the State University Board, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board, including the amendment, suspension, or repeal of rules which are inconsistent with the provisions of collective bargaining contracts negotiated in accordance with Minnesota Statutes, §§ 179.61 to 179.77, as well as perform any and all acts incident thereto, including but without being limited thereto, signing an order for hearing and notice of hearing, as well as securing a hearing examiner for all hearings.

II

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, FRANK G. CHESLEY, do hereby certify that I am the President of the State University Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 23rd day of April, 1976, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

RESOLVED that G. Theodore Mitau, Chancellor of the State University Board, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board, including the amendment, suspension, or repeal of rules which are inconsistent with the provisions of collective bargaining contracts negotiated in accordance with Minnesota Statutes, §§ 179.61 to 179.77, as well as perform any and all acts incident thereto, including but without being limited thereto, signing an order for hearing and notice of hearing, as well as securing a hearing examiner for all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 23rd day of April, 1976.

Frank G. Chesley
President, State University Board

Arnold C. Anderson
Attest by one other officer

III

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE GEORGE BECK
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

In the matter of the proposed amendment and repeal of Rules of the State University Board which are inconsistent with the provisions of collective bargaining agreements

ORDER FOR HEARING

To effectively implement in a timely manner the provisions of collective bargaining agreements effective in March, 1976, the State University Board deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Board by Minnesota Statutes, Chapter 15, as amended, and Minnesota Statutes, Chapter 136, as amended.

NOW, THEREFORE, IT IS ORDERED on this 26th day of April, 1976, that a public hearing on the proposed rules captioned above be held in the Conference Room of Metropolitan State University in the Metro Square Building, 121 E. 7th St., St. Paul, MN 55101, on June 3, 1976, commencing at 9:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
STATE UNIVERSITY BOARD

By G. Mitau
G. THEODORE MITAU, Chancellor

IV

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE GEORGE BECK
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

In the matter of the proposed amendment and repeal of Rules of the State University Board which are inconsistent with the provisions of collective bargaining agreements

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (Supp. 1975), in the above-entitled matter in the Conference Room of Metropolitan State University in the Metro Square Bldg., 121 E. 7th St., St. Paul, MN 55101 on June 3, 1976, commencing at 9:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Written material may be submitted without appearing at the hearing and may be submitted and recorded in the hearing record for twenty (20) days after the public hearing ends.

The Board proposes to amend or repeal its existing rules which are inconsistent with the provisions of collective bargaining contracts negotiated in accordance with Minn. Stat. §§ 179.61 to 179.77. The Board's authority to promulgate the proposed rules is found in Minn. Stat., chs. 15 and 136, as amended, and Minn. Laws 1976, ch. 229. A copy of the proposed amendments and repeals is attached hereto.

Under Minn. Stat. § 10A.01 subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Copies of the proposed Rules are now available and may be obtained by writing to:

State University Board
Suite 407 Capitol Square Building
550 Cedar Street
Saint Paul, Minnesota 55101

Additional copies of the proposed rules will be available at the door on the date of the hearing.

STATE OF MINNESOTA
STATE UNIVERSITY BOARD

By _____
G. THEODORE MITAU, Chancellor

Minnesota Administrative Rules and Regulations

Rules and Regulations of

THE STATE UNIVERSITY BOARD

PROPOSED REPEAL OF AND AMENDMENTS TO: RULES OF THE STATE UNIVERSITY BOARD OF THE STATE OF MINNESOTA

To Be Submitted At A

PUBLIC HEARING

June 3, 1976

A Public Hearing on Proposed Repeal of and Amendments to State University Board Rules will be held on Thursday, June 3, 1976, beginning at 9:00 a.m., in the Conference Room of Metropolitan State University, Metro Square Building, 121 E. 7th St., St. Paul, Minnesota 55101

* * * * * * * * *

The official rules of the State University Board are contained in the 1971 Edition and as amended in 1974: "Minnesota State Regulations" copies of which may be purchased from the Documents Section, Department of Administration, 140 Centennial Building, St. Paul, Minnesota 55155.

Proposed amendments to (identified by the respective rule and line number as set out in the official publication) and repeal of (identified by the respective rule) State University Board rules are contained herein.

STATE OF MINNESOTA - STATE UNIVERSITY BOARD

ST. PAUL, MINNESOTA 55101

M I N N E S O T A R E G U L A T I O N S S C B

Proposed Amendments to and Repeal of Rules of the State University Board

NOTE: Line number references refer to the line numbers as set out in the official publication, "Minnesota State Regulations."

SCB	AMENDMENT OR REPEAL	LINE NO.
101	Strike "a faculty member"	l. 1-2
	Strike "or an administrative officer"	l. 2-3
103	Strike "and other officers of administration [SCB 604]"	l. 3-4
	Strike "the faculty [SCB 701]"	l. 4
105	Strike "for faculty and"	l. 10
	Strike "SCB 431 and"	l. 16
202	Repeal	
203	Repeal	
204	Strike "Faculty members"	l. 1
	Strike "and administrative officers"	l. 1-2
205	Strike "faculty members shall be free to teach and undertake research and related activities"	l. 2-3
	Strike "and administrative officers"	l. 3-4
251; 255	Repeal	
306 (a)	Strike "faculty status"	l. 3
326	Strike "for faculty and"	l. 8
	Strike "SCB 431 and"	l. 9
327	Strike "SCB 431 and"	l. 7
431	Repeal	
501	Strike "faculty members, administrative officers"	l. 2-3
502 (b)	Repeal	
502 (d)	Repeal	
505 (b)	Strike "faculty members"	l. 4
505 (c)	Strike "and other administrative officers"	l. 4

SCB	AMENDMENT OR REPEAL	LINE NO.
505 (c) (1)	Strike "including faculty members and administrative officers; the granting of salary increases, tenure, and promotions to such employees; and the assigning of duties to them."	l. 3-5
506 (b)	Strike "faculty"	l. 3
602 (a)	Strike "the faculty or" and "(or both)"	l. 14
	Strike "principal faculty and"	l. 20
	Strike "faculty or"	l. 22
	Strike "faculty or"	l. 23
602 (c)	Repeal	
604	Repeal	
701-714	Repeal	
751-753	Repeal	
803	Strike "faculty members and"	l. 3-4

V

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE GEORGE BECK
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

In the matter of the proposed amendment and repeal of Rules of the State University Board which are inconsistent with the provisions of collective bargaining agreements

AFFIDAVIT

Lawrence G. Fischer, being first duly sworn on oath deposes and says:

1. That he is an employee of the State University Board of the State of Minnesota.

2. That on the 3 day of MAY, 1976, he went to the Secretary of State's Office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412 (Supp. 1975).

3. That on the 3 day of MAY, in response to the above request, the Secretary of State provided h/H with a list of 484 labels which constitutes the complete list of persons, associations, and other interested groups who as of 2:00 o'clock P.m. on the 3 day of MAY, 1976 had requested that their names be placed on file for the purposes set out in paragraph 2 above.

FURTHER AFFIANT SAYETH NOT.

Lawrence G. Fischer

Subscribed and sworn to before me this 5 day of MAY, 1976.

Gerhard M. Dybdahl

GERHARD M. DYBDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires July 2, 1976.

VI

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the proposed amendment and repeal of Rules of the State University Board which are inconsistent with the provisions of collective bargaining agreements

CERTIFICATE

I hereby certify that the attached 484 labels constitute the complete list of persons, associations, and other interested groups who as of 2:15 o'clock p.m., this 3rd day of May, 1976, have requested pursuant to Minn. Stat. § 15.0412 (Supp. 1975) that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Joan Anderson Growe
SECRETARY OF STATE

By Ceil Dorn

VII

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the proposed amendment and repeal of Rules of the State University Board which are inconsistent with the provisions of collective bargaining agreements

AFFIDAVIT OF MAILING

Kathy Wicklund, being first duly sworn, deposes and says:

That on the 4th day of May, 1976, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States Mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the 484 labels received from the Secretary of State as indicated on the attached Certificate of the Secretary of State as well as to all persons and organizations identified on the attached list consisting of 16 pages.

Kathy Wicklund

Subscribed and sworn to before me this 5 day of May, 1976.

Gerhard M. Dybdahl

GERHARD M. DYBDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires July 2, 1976.

A LIST

INTER-OFFICE MAIL -- A-1

Associated Press
Press Room
State Capitol
St. Paul, Minnesota 55155

Minneapolis Star
Press Room
State Capitol
St. Paul, Minnesota 55155

Minneapolis Tribune
Press Room
State Capitol
St. Paul, Minnesota 55155

St. Paul Pioneer Press
Press Room
State Capitol
St. Paul, Minnesota 55155

United Press International
Press Room
State Capitol
St. Paul, Minnesota 55155

TWIN CITY RADIO AND TELEVISION -- A-2

WCCO TV
News Room
50 South 9th Street
Minneapolis, Minnesota 55402

KSTP TV
News Room
3415 University Avenue
St. Paul, Minnesota 55114

WTCN TV
News Room
441 Boone Avenue N.
Minneapolis, Minnesota 55427

WCCO Radio
News Room
625 - 2nd Avenue S.
Minneapolis, Minnesota 55402

KSTP Radio
News Room
3415 University Avenue
Minneapolis, Minnesota 55414

KMSP TV
News Room
6975 York Avenue South
Minneapolis, Minnesota 55435

Garry Eichten
Minnesota Educational Radio, Inc.
400 Sibley
St. Paul, Minnesota 55101

A LIST (continued)

TWIN CITY NEWSPAPERS, STAFF AND WIRE SERVICES -- A-3

City Desk
St. Paul Dispatch
55 East 4th Street
St. Paul, Minnesota 55101

City Desk
Minneapolis Star
425 Portland Avenue
Minneapolis, Minnesota 55415

City Desk
St. Paul Pioneer Press
55 East 4th Street
St. Paul, Minnesota 55101

City Desk
Minneapolis Tribune
425 Portland Avenue
Minneapolis, Minnesota 55415

Associated Press
426 Portland Avenue
Minneapolis, Minnesota 55415

United Press International
416 Portland Avenue
Minneapolis, Minnesota 55415

News Editor
Suburban Sun Newspaper
6601 West 78 Street
Minneapolis, Minnesota 55435

Mr. Lee Garrick
St. Paul Dispatch
55 East 4th Street
St. Paul, Minnesota 55101

Mr. John Finnegan
Executive Editor
St. Paul Pioneer Press
55 East 4th Street
St. Paul, Minnesota 55101

Mr. George McCormick
Minneapolis Tribune
425 Portland Avenue
Minneapolis, Minnesota 55415

Mr. Cecil Newman
Minneapolis Spokesman
3744 4th Avenue South
Minneapolis, Minnesota 55409

Mr. Austin Wehrwein
Editorial Writer
Minneapolis Star
425 Portland Avenue
Minneapolis, Minnesota 55415

Mr. Max Nichols
Minneapolis Star
425 Portland Avenue
Minneapolis, Minnesota 55415

Mr. Gregor Pinney
Minneapolis Tribune
425 Portland Avenue
Minneapolis, Minnesota 55415

Editor
Minnesota Daily
University of Minnesota
Minneapolis, Minnesota 55455

Jean L. Dawson
The Capitol Reporter
459 Rice Street
St. Paul, Minnesota 55103

B LIST

NON-MEDIA OFFICES IN TWIN CITIES (governmental, HECC, etc.)

Governor's Office
Room 130
State Capitol
St. Paul, Minnesota 55155

Mr. Richard Hawk
Executive Director
Minn. Higher Education Coordinating Comm.
400 Capitol Square Building
St. Paul, Minnesota 55101

Mr. Warren Spannaus
Attorney General
Room 102, State Capitol
St. Paul, Minnesota 55155

Mr. Richard L. Brubacher
Commissioner of Administration
Room 208, Administration Building
St. Paul, Minnesota 55155

Jim Lukaszewski
Governor's News Secretary
Office of the Governor
Room 130, State Capitol
St. Paul, Minnesota 55155

Community College Board
301 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

House Research Department
Room 17, State Capitol
St. Paul, Minnesota 55155

Senate Research Department
G-24, State Capitol
St. Paul, Minnesota 55155

Mr. Ed Peetz
State Department of Personnel
215 Administration Building
St. Paul, Minnesota 55155

C LIST

COLLEGE TOWN MEDIA

Mr. Jerry Ruff
The Forum
9 4th Street North
Moorhead, Minnesota 56560

The Marshall Messenger Independent
208 West Main
Marshall, Minnesota 56258
(tel. 507-532-2255)

City Desk
Fargo Forum
Fargo, North Dakota 58102
(tel. 701-235-7311)

Mr. Dick Lusk
KTOE Radio
Mankato, Minnesota 56001
(tel. 507-345-4537)

Mr. Ned Goodwin, Manager
KBUN
Bemidji, Minnesota 56601

KCLD Radio
News Room
St. Cloud, Minnesota 56301

City Desk
Mankato Free Press
Mankato, Minnesota 56001
(tel. 507-387-4451)

KWNO Radio
News Room
Winona, Minnesota 55987

City Desk
Bemidji Daily Pioneer
Bemidji, Minnesota 56601
(tel. 218-751-3740)

City Desk
St. Cloud Times
St. Cloud, Minnesota 56301
(tel. 612-251-3121)

City Desk
Winona Daily News
Winona, Minnesota 55987
(tel. 507-452-3324)

Mr. Chuck Pasek
KEYC TV
Mankato, Minnesota 56001
(tel. 507-387-7905)

Mr. Jim Tessien
KYSM Radio
Mankato, Minnesota 56001

KAGE Radio
News Editor
Winona, Minnesota 55987

KFAM Radio
News Room
St. Cloud, Minnesota 56301

KCCM FM
Minnesota Educational Radio
Concordia College
Moorhead, Minnesota 56560
(Dennis Hamilton, Producer)

Craig Wilkins
St. Cloud Times
St. Cloud, Minnesota 56301

D LIST

UNIVERSITY NEWSPAPER AND MEDIA

Northern Student
Bemidji State University
Bemidji, Minnesota 56601
Susan R. Mattson, Editor-in-Chief
(tel. 218-755-2987)

Daily Reporter
Box 39
Mankato State University
Mankato, Minnesota 56001
Patricia Wolff, Editor-in-Chief
(tel. 507-389-1110)

KMSU FM
Box 153
Mankato State University
Mankato, Minnesota 56001

Advocate
Box 269 Owens Hall
Moorhead State University
Moorhead, Minnesota 56560
Philip Hilker, Editor-in-Chief
(tel. 218-236-2551)

KMSC Radio
Moorhead State University
Moorhead, Minnesota 56560
(tel. 218-236-2115)

Chronicle
St. Cloud State University
St. Cloud, Minnesota 56301
John Ritter, Editor-in-Chief)
(tel. 612-255-2449)

KVSC FM
News Director
St. Cloud State University
St. Cloud, Minnesota 56301

KVSC TV Channel 2
St. Cloud State University
St. Cloud, Minnesota 56301
(tel. 612-255-3027)

The Reader
Southwest State University
Marshall, Minnesota 56258
W. Kaye Kivisto, Editor-in-Chief
(tel. 507-537-6366)

Winonan
Winona State University
Winona, Minnesota 55987
Tamrat Tademe, Editor-in-Chief
(tel. 507-457-2158)

KQAL
Winona State University
Winona, Minnesota 55987

Sharon Deane
Information Services
Administrative Services Building
St. Cloud State University
St. Cloud, Minnesota 56301

E LIST

CAMPUS GOVERNMENT

Student Senate Office
Bemidji State University
Bemidji, Minnesota 56601

Student Senate Office
Mankato State University
Mankato, Minnesota 56001

Student Senate Office
Moorhead State University
Moorhead, Minnesota 56560

Student Senate Office
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St. Cloud, Minnesota 56301

Student Senate Office
Southwest State University
Marshall, Minnesota 56258

Student Senate Office
Winona State University
Winona, Minnesota 55987

Faculty Senate Office
Bemidji State University
Bemidji, Minnesota 56601

Faculty Senate Office
Mankato State University
Mankato, Minnesota 56001

Faculty Senate Office
Moorhead State University
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Editor
Red Wing Daily Republican Eagle
Red Wing, Minnesota 55066

Editor
Hibbing Daily Tribune
Hibbing, Minnesota 55746

Editor
Duluth Herald
Northwest Publications, Inc.
424 West 1st Street
Duluth, Minnesota 55801

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Rochester Post Bulletin
Rochester, Minnesota 55901

Editor
Albert Lea Tribune
Albert Lea, Minnesota 56007

Editor
Worthington Globe
Worthington, Minnesota 56187

Editor
Brainerd Dispatch
Brainerd, Minnesota 56401

Editor
International Falls Daily Journal
International Falls, Minnesota 56649

Editor
East Grand Forks Record
East Grand Forks, Minnesota 56721

Editor
Owatonna Daily People's Press
Owatonna, Minnesota 55060

Editor
Stillwater Evening Gazette
Stillwater, Minnesota 55082

Editor
Virginia Messabi Daily News
Virginia, Minnesota 55792

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Duluth, Minnesota 55801

Editor
Austin Daily Herald
Austin, Minnesota 55912

Editor
Fairmont Daily Sentinel
Fairmont, Minnesota 56073

Editor
Little Falls Daily Transcript
Little Falls, Minnesota 56345

Editor
Fergus Falls Journal
Fergus Falls, Minnesota 56537

Editor
Crookston Daily Times
Crookston, Minnesota 56716

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Montevideo American News
Montevideo, Minnesota 56265

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New Ulm Daily Journal
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Donald Hamerlinck
Vice President

Harding Noblitt
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STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the proposed amendment and repeal of Rules of the State University Board which are inconsistent with the provisions of collective bargaining agreements

STATEMENT OF NEED

The above-captioned rules are amendments to and repeals of existing rules of the State University Board. The last time the above-captioned rules were amended was November 27, 1974.

The need to adopt the amendments and repeals is to make the rules of the State University Board consistent with the provisions of collective bargaining contracts negotiated in accordance with sections 179.61 to 179.77 of the Minnesota Statutes and to fulfill the Board's responsibility in accordance with the provisions of such contracts to modify or repeal conflicting or superseded provisions of the Rules of the Board promulgated pursuant to Minnesota Statutes, Chapter 15. The attached "Statement of Need for Amendment or Repeal of Governing Rules" identifies the respective provisions of the collective bargaining contracts which necessitate the amendment or repeal of the corresponding Governing Rule which was adopted pursuant to Chapter 15.

STATE OF MINNESOTA
STATE UNIVERSITY BOARD

By _____
G. THEODORE MITAU
Chancellor

STATEMENT OF NEED

FOR AMENDMENT OR REPEAL OF GOVERNING RULES

GOVERNING RULE, SCB	MSUAASF	IFO/MEA
101	Art. III Recognition; Art. XXVI Complete Agreement and Waiver	Art. III Recognition and Art. XXVIII Complete Agreement and Waiver
103	Same as SCB 101	Same as SCB 101
105		Art. III Recognition and Art. VI, Sec. B Meet and Confer
202	Art. II Non-discrimination	Art. II Non-discrimination
203	Art. IV Academic Freedom	Art. IV Academic Freedom
204	Art. VIII Management Rights; Art X Appointment; Art. XII Salaries	Art. VII Management Rights; Art. XI Salaries; Art. XXIV Promotions and Evaluations
205	Art. IV Academic Freedom	Art. IV Academic Freedom
251 and 255	Art. XXII Dismissal, Suspension and Disciplinary Demotion	Art. XXIII Faculty Rights on Dismissal and Suspension
306		Art. VII Management Rights; Art. XI Salaries; Art. XXI Appointment of Faculty; Art. XXIV Promotions and Evaluations
326		Art. III Recognition; Art. VI, Sec. B Meet and Confer
327		Art. III Recognition
431		Art. III Recognition; Art. VI, Sec. B Meet and Confer
501	Art. VII, Sec. B Meet and Confer	Art. VI, Sec. B Meet and Confer
502(b) and (d)		Same as SCB 501
505(b)		Same as SCB 501

GOVERNING RULE, SCB	MSUAASF	IFO/MEA
505(c)(1)	Art. VIII Management Rights; Art. X Appointment; Art. XII Salaries; Art. XXII Dismissal, Suspension and Disciplinary Demotion	Art. VII Management Rights; Art. XI Salaries; Art. XXI Appointment of Faculty; Art. XXII Retrenchment; Art. XXIII Faculty Rights on Dismissal and Suspension; Art. XXIV Promotions and Evaluations
506(b)		Art. VI, Sec. B Meet and Confer
602(a)		Art. VII Management Rights; Art. VI, Sec. B Meet and Confer; Art. VI, Sec. C Information
602(c)	Art. VIII Management Rights; Art. X Appointment; Art. XII Salaries; Art. XXII Dismissal, Suspension and Disciplinary Demotion	Art. VII Management Rights; Art. XI Salaries; Art. XXI Appointment of Faculty; Art. XXII Retrenchment; Art. XXIII Faculty Rights on Dismissal and Suspension; Art. XXIV Promotions and Evaluations
604	Art. VIII Management Rights; Art. X Appointment; Art. XXII Dismissal, Suspension and Disciplinary Demotion	Art. XX Department Chairpersons
701-714		Art. V, subd. 5 Definition of Employee(s), Faculty and Faculty Member; Art. VII Management Rights; Art. XI Salaries; Art. XXI Appointment; Art. XXII Retrenchment; Art. XXIII Faculty Rights on Dismissal and Suspension; Art. XXIV Promotions and Evaluations; Art. XXVI Grievance Procedure
751-753		Art. VI, Sec. B Meet and Confer
803		Art. VI, Sec. B Meet and Confer

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OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE UNIVERSITY BOARD

In the Matter of the Proposed)
Amendment and Repeal of Rules)
of the State University Board)
Which are Inconsistent With)
The Provisions of Collective)
Bargaining Agreements)

FINDINGS OF FACT
CONCLUSIONS AND
RECOMMENDATION

Tne above-entitled matter came on for hearing before George A. Beck, duly appointed as Hearing Examiner in this matter, on June 3, 1976 at 9:00 a.m. in the Conference Room of the Metropolitan State University located in the Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota.

Members of the agency panel included: Garry D. Hays, Chancellor-Designate; Roland Dille, Moorhead State University President; Lance Teachworth, Moorhead State University Personnel Director; Margaret Preska, Mankato State University Vice President for Academic Affairs; and Mark Levinger, Special Assistant Attorney General. There were no questions or statements from members of the public.

Based upon all the files, evidence, and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. That the agency submitted the following documents as exhibits in this matter:

a. The resolution authorizing rulemaking (Ex I)

b. Certificate of the Boards authorizing resolution (Ex II)

c. Order for Hearing (Ex III)

d. Notice of Hearing (Ex IV)

e. Affidavit of Receipt of Secretary of State's List (Ex V)

f. Affidavit of Secretary of State (Ex VI)

g. Affidavit of Mailing (Ex VII)

h. Supplementary Mailing List (Ex VIII)

i. Statement of Need (Ex IX)

j. Rules of the State University Board (Ex X)

k. Collective Bargaining Agreement between the State University Board and the Inter-Faculty Organization/ Minnesota Education Association (Ex XI)

l. Collective Bargaining Agreement between the State University Board and the Minnesota State University Association of Administrative and Service Faculty (Ex XIII)

2. That the Board has cited Minn. Stat. Chs. 15 and 136, as amended, and Minn. Laws 1976, Ch. 229 as authority for adoption of the proposed rules.

3. That the amendment and repeal of the rules of the State University Board involved in this proceeding are specifically set out in Agency Ex IV a portion of which is attached hereto and incorporated by reference.

4. That the need to adopt the amendments and repeals is to make the rules of the State University Board consistent with the provisions of collective bargaining contracts negotiated in accordance with Minn. Stat. § 179.61 to 179.77 and to fulfill the Board's responsibility in accordance with the provisions of such contracts to modify or repeal conflicting or superseded provisions of the Rules of the Board promulgated pursuant to Minn. Stat., Ch. 15.

5. That the specific provisions of the collective bargaining agreements which necessitate the amendments and repeals are listed in Agency Ex IX, a portion of which is attached hereto and incorporated by reference.

6. That the record in this matter was left open for 20 days following the hearing for receipt of written comments or materials concerning the amendments or repeals of the rules.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the State University Board gave proper notice of amendment and repeal of its rules.

2. That the State University Board properly documented its

statutory authority to take the proposed action, to wit, the amendment and repeal of its rules.

3. That the State University Board fulfilled all relevant substantive and procedural requirements of law or rule.

4. That the State University Board demonstrated the need for and the reasonableness of its proposed action, to wit, the amendment and repeal of its rules, with an affirmative presentation of facts.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

That the proposed rule amendments and repeals be adopted.

Dated: June 24, 1976.

GEORGE A. BECK
Hearing Examiner

M I N N E S O T A R E G U L A T I O N S S C B

Proposed Amendments to and Repeal of Rules of the State University Board

NOTE: Line number references refer to the line numbers as set out in the official publication, "Minnesota State Regulations."

SCB	AMENDMENT OR REPEAL	LINE NO.
101	Strike "a faculty member"	1. 1-2
	Strike "or an administrative officer"	1. 2-3
103	Strike "and other officers of administration [SCB 604]"	1. 3-4
	Strike "the faculty [SCB 701]"	1. 4
105	Strike "for faculty and"	1. 10
	Strike "SCB 431 and"	1. 16
202	Repeal	
203	Repeal	
204	Strike "Faculty members"	1. 1
	Strike "and administrative officers"	1. 1-2
205	Strike "faculty members shall be free to teach and undertake research and related activities"	1. 2-3
	Strike "and administrative officers"	1. 3-4
251; 255	Repeal	
306 (a)	Strike "faculty status"	1. 3
326	Strike "for faculty and"	1. 8
	Strike "SCB 431 and"	1. 9
327	Strike "SCB 431 and"	1. 7
431	Repeal	
501	Strike "faculty members, administrative officers"	1. 2-3
502 (b)	Repeal	
502 (d)	Repeal	
505 (b)	Strike "faculty members"	1. 4
505 (c)	Strike "and other administrative officers"	1. 4

SCB	AMENDMENT OR REPEAL	LINE NO.
505 (c) (1)	Strike "including faculty members and administrative officers; the granting of salary increases, tenure, and promotions to such employees; and the assigning of duties to them."	l. 3-5
506 (b)	Strike "faculty"	l. 3
602 (a)	Strike "the faculty or" and "(or both)"	l. 14
	Strike "principal faculty and"	l. 20
	Strike "faculty or"	l. 22
	Strike "faculty or"	l. 23
602 (c)	Repeal	
604	Repeal	
701-714	Repeal	
751-753	Repeal	
803	Strike "faculty members and"	l. 3-4

STATEMENT OF NEED

FOR AMENDMENT OR REPEAL OF GOVERNING RULES

GOVERNING RULE, SCB	MSUAASF	IFO/MEA
101	Art. III Recognition; Art. XXVI Complete Agreement and Waiver	Art. III Recognition and Art. XXVIII Complete Agreement and Waiver
103	Same as SCB 101	Same as SCB 101
105		Art. III Recognition and Art. VI, Sec. B Meet and Confer
202	Art. II Non-discrimination	Art. II Non-discrimination
203	Art. IV Academic Freedom	Art. IV Academic Freedom
204	Art. VIII Management Rights; Art X Appointment; Art. XII Salaries	Art. VII Management Rights; Art. XI Salaries; Art. XXIV Promotions and Evaluations
205	Art. IV Academic Freedom	Art. IV Academic Freedom
251 and 255	Art. XXII Dismissal, Suspension and Disciplinary Demotion	Art. XXIII Faculty Rights on Dismissal and Suspension
306		Art. VII Management Rights; Art. XI Salaries; Art. XXI Appointment of Faculty; Art. XXIV Promotions and Evaluations
326		Art. III Recognition; Art. VI, Sec. B Meet and Confer
327		Art. III Recognition
431		Art. III Recognition; Art. VI, Sec. B Meet and Confer
501	Art. VII, Sec. B Meet and Confer	Art. VI, Sec. B Meet and Confer
502(b) and (d)		Same as SCB 501
505(b)		Same as SCB 501

GOVERNING RULE, SCB	MSUAASF	IFO/MEA
505(c)(1)	Art. VIII Management Rights; Art. X Appointment; Art. XII Salaries; Art. XXII Dismissal, Suspension and Disciplinary Demotion	Art. VII Management Rights; Art. XI Salaries; Art. XXI Appointment of Faculty; Art. XXII Retrenchment; Art. XXIII Faculty Rights on Dismissal and Suspension; Art. XXIV Promotions and Evaluations
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751-753		Art. VI, Sec. B Meet and Confer
803		Art. VI, Sec. B Meet and Confer

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JUL 26 1976
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE GEORGE A. BECK
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

In the matter of the proposed amendment and repeal of Rules of the State University Board which are inconsistent with the provisions of collective bargaining agreements

ORDER ADOPTING RECOMMENDATION OF HEARING EXAMINER AND RULES

The above-entitled matter came on for hearing before George A. Beck, Hearing Examiner of the Office of Hearing Examiner of the State of Minnesota on the 3rd day of June, 1976, at 9:00 a.m. in the Conference Room of Metropolitan State University in the Metro Square Building, 121 E. 7th Street, St. Paul, Minnesota 55101 after proper notice required by Minn. Stat., Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements, and arguments, having reviewed all of the testimony, having considered all of the evidence adduced, having considered the Findings of Fact, Conclusions and Recommendation of the Hearing Examiner, and upon all of the testimony and proceedings herein, and applicable statutory standards or criteria, having withheld action on the proposed Rules the required period of time after receipt of the Hearing Examiner's Findings and having confirmed the need for the above-captioned rules

NOW, THEREFORE, BE IT RESOLVED that the State University Board hereby adopts and incorporates herein the Findings of Fact, Conclusions and Recommendation of George A. Beck, Hearing Examiner, dated June 24, 1976, relative to the above-entitled matters and

THEREFORE, IT IS ORDERED that these Rules attached hereto and identified as SCB 101; 103; 105; 202-205 inclusive; 251; 255; 306(a); 326; 327; 431; 501; 502(b) and (d); 505(b) and (c); 505(c)(1); 506(b); 602(a) and (c); 604; 701-714 inclusive; 751-753 inclusive and 803 are adopted this 21st day of July, 1976,

pursuant to authority vested in us by Minn. Stat., Ch. 136.

STATE OF MINNESOTA
STATE UNIVERSITY BOARD

By Frank J. Cheley
President, State University Board

CERTIFICATION

I, HOWARD B. CASMEY, do hereby certify that I am the Secretary of the State University Board, a Bond duly authorized under the laws of the State of Minnesota, and that the foregoing is a true, complete and correct copy of an Order adopted at a meeting of the Board duly and properly called and held on the 21st day of July, 1976, that a quorum was present at said meeting, that a majority of those present voted for the adoption of the Order and that said Order is set forth in the minutes of said meeting and has not been rescinded or modified.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of July, 1976.

Howard B. Casmey
Secretary, State University Board

Arnold C. Anderson
Attest by one other Board Member

M I N N E S O T A R E G U L A T I O N S S C B

Proposed Amendments to and Repeal of Rules of the State University Board

NOTE: Line number references refer to the line numbers as set out in the official publication, "Minnesota State Regulations."

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	Strike "the faculty [SCB 701]"	1. 4
105	Strike "for faculty and"	1. 10
	Strike "SCB 431 and"	1. 16
202	Repeal	
203	Repeal	
204	Strike "Faculty members"	1. 1
	Strike "and administrative officers"	1. 1-2
205	Strike "faculty members shall be free to teach and undertake research and related activities"	1. 2-3
	Strike "and administrative officers"	1. 3-4
251; 255	Repeal	
306 (a)	Strike "faculty status"	1. 3
326	Strike "for faculty and"	1. 8
	Strike "SCB 431 and"	1. 9
327	Strike "SCB 431 and"	1. 7
431	Repeal	
501	Strike "faculty members, administrative officers"	1. 2-3
502 (b)	Repeal	
502 (d)	Repeal	
505 (b)	Strike "faculty members"	1. 4
505 (c)	Strike "and other administrative officers"	1. 4

SCB	AMENDMENT OR REPEAL	LINE NO.
505 (c) (1)	Strike "including faculty members and administrative officers; the granting of salary increases, tenure, and promotions to such employees; and the assigning of duties to them."	l. 3-5
506 (b)	Strike "faculty"	l. 3
602 (a)	Strike "the faculty or" and "(or both)"	l. 14
	Strike "principal faculty and"	l. 20
	Strike "faculty or"	l. 22
	Strike "faculty or"	l. 23
602 (c)	Repeal	
604	Repeal	
701-714	Repeal	
751-753	Repeal	
803	Strike "faculty members and"	l. 3-4

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE UNIVERSITY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT AND REPEAL OF RULES OF THE STATE UNIVERSITY BOARD WHICH ARE INCONSISTENT WITH THE PROVISIONS OF COLLECTIVE BARGAINING AGREEMENTS.

REPORT OF THE ACTING CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on June 3, 1976, before George A. Beck, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.052, Subd. 3, was issued to the State University Board on June 24, 1976; and

WHEREAS, the State University Board has now determined to adopt rules pursuant to Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the State University Board has submitted said rules to the Acting Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Acting Chief Hearing Examiner finds that there are no substantial changes in said rules as originally proposed.

NOW, THEREFORE, upon receipt of this Report, the State University Board has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 28th day
of July, 1976.

Duane R. Harves

DUANE R. HARVES
Acting Chief Hearing Examiner