

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SUB EX 12 b

May 25, 1977

Dr. David Janovy
P.O. Box 49
Mankato State University
Mankato, Minnesota 56001

Dear Dr. Janovy:

As you requested, enclosed is a copy of the proposed Governing Rules which are subject to hearing on June 7, 1977.

Sincerely,

Sharon K. Miller
Administrative Assistant
to the Chancellor

SKM:dk
Enclosure

TRANSMITTAL - MESSAGE SLIP

TO	LOCATION
DATE 5-24	TIME 2 p.m.
FROM dk	LOCATION

TRANSMITTAL ACTION	CALL OR VISIT
☐ Review and see me	NAME Dr David Janovy
☐ Review and return	FROM
☐ Prepare reply for my sig.	PHONE NO.
☐ Reply and send me copy	
☐ For your approval	☒ Called
☐ For your information	☐ Was here to see you
☐ For signature	☐ Please call
☐ As we discussed	☐ Will call again
☐ As you requested	☐ Returned your call
☐ Take appropriate action	
☐ Notify staff	

MESSAGE

copy of proposed Gov. Rules

P. O. Box 49
RSU

SUB Ex 12 c

May 25, 1977

Professor Jane M. Eby
Music Department
Mankato State University
Mankato, Minnesota 56001

Dear Professor Eby:

As you requested in your letter of May 22, 1977, enclosed is a copy of the proposed Governing Rules which are subject to hearing on June 7, 1977.

Sincerely,

Sharon K. Miller
Administrative Assistant
to the Chancellor

SKM:dk
Enclosure

MANKATO STATE UNIVERSITY

MUSIC DEPARTMENT/(507)389-2119

MANKATO, MINNESOTA 56001

May 22, 1977

Office of the Chancellor
State University System
407 Capitol Square Building
550 Cedar Street
St. Paul, MN. 55101

Dear Sirs:

Please send me a copy of the proposed rules of the State University Board so that I may study them before the meeting to be held on June 7 at 9 A.M.

Thank you very much.

Sincerely yours,

Jane M. Eby

Jane M. Eby
Professor of Music

an equal opportunity employer

SUB Exh. 13

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

NOTICE OF HEARING

Another public hearing in the above-entitled matter is hereby scheduled because publication of the original notice in the State Register was one (1) day late. Because of this technical defect, notice is hereby given that a public hearing in the above-entitled matter will be held in the Conference Room A, Capitol Square Building, St. Paul, Minnesota on August 2, 1977 commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard. The original Notice of Hearing published in 1 State Register 1597-1599 is hereby incorporated by reference except as modified herein. Written materials may be submitted before or at the hearing or within five (5) working days (or for a longer period not to exceed twenty (20) days if ordered by the hearing examiner) after the close of the hearing.

/s/ Garry D. Hays

Dr. Garry D. Hays, Chancellor

DATE: June 10, 1977

SUB Exhibit 14

BEFORE THE OFFICE OF HEARING EXAMINERS

OF THE STATE OF MINNESOTA

IN THE MATTER OF THE PROPOSED ADOPTION
OF RULES OF THE STATE UNIVERSITY BOARD
GOVERNING PURPOSE, ADMISSIONS POLICIES
EQUAL OPPORTUNITY AND CRITERIA FOR
RESIDENT AND NONRESIDENT TUITION STATUS.

Capitol Square Building
Conference Room A
St. Paul, Minnesota
Tuesday, June 7th, 1977

MET pursuant to notice at 9:30 a.m.

BEFORE:

PETER C ERICKSON: Hearing Examiner

APPEARANCES:

CHARLES MOTTL, Special Assistant Attorney General, State University Board.

DR. ROBERT HANSON, Vice President for Academic Affairs Moorhead State University, Moorhead, Minnesota.

MARTHA NELSON, President, Minnesota State Division of the American Association of University Women.

I N D E X

EXHIBITS:	Marked	Received
1 through 12c	--	6

P R O C E E D I N G S

EXAM. ERICKSON: This hearing is called to order at 9:30 a.m., on Tuesday, June 7th, 1977 in Conference Room A, Capitol Square Building, St. Paul, Minnesota.

This is a hearing in the matter of the proposed adoption of rules of the State University Board governing purpose, admissions policies, equal opportunity and criteria for resident and nonresident tuition status.

My name is Peter Erickson and I'm an independent Hearing Examiner appointed by the Chief Hearing Examiner to hear this matter. My job is to preside over the hearing and submit propose Findings of Fact, Conclusions and a Recommendation to the agency prior to the agency's decision whether to adopt, modify or reject the proposed rules.

Will those representing the State Universities Board please note their appearance for the record. Please state and spell your name and give your address. Mr. Mottl?

MR. MOTTL: My name is Charles, middle initial T. last name Mottl, M-O-T-T-L. I'm a Special Assistant Attorney General assigned to the State University Board. My office address is 303 Capitol Square Building, 550 Cedar St., the telephone nu -- St. Paul, Minnesota 55101, the telephone number is area code 612-296-3854.

EXAM. ERICKSON: Dr. Hanson?

DR. HANSON: My name is Robert A. Hanson, I'm currently Vice President for Academic Affairs at Moorhead State University, my address, office address would be Moorhead State University, Moorhead, Minnesota 56560, and the telephone number there is area code 218-236-2762.

EXAM. ERICKSON: Ms. Nelson would you like to note your appearance for the record?

MS. NELSON: I'm Martha Nelson, my address is Virginia, Minnesota, my telephone number is 218-749-8614. I am the State President of the Minnesota State Division of the American Association of University Women.

EXAM. ERICKSON: This hearing is being held pursuant to a Notice of Hearing signed by Dr. Gary D. Hayes.

A registration form may be found on the table in the back. Everyone attending the hearing and intending to present evidence or ask questions is required to register prior to their presentation of evidence or questions by completing the information requested on the registration form. An Agenda and Guidelines is also located on that table.

This hearing will be conducted pursuant to the rules of the Office of Hearing Examiners, Chapter 1, HE 101 thourgh 109.

Mr. Mottl would you like to proceed?

MR. MOTTL: Mr. Hearing Examiner before the State University Board makes its affirmative presentation of the Statement of Need of the proposed rules I would like to indicate initially that the authority for the rulemaking is found in Chapter 15 of the Minnesota Statutes together with a specific authority in the State University Board found in Minnesota Statutes, 1976, Sections 136.11, 136.12 and 136.14. In addition I have exhibits which I've previously marked numbering 12, they are marked SUB Exh. 1 through 12, numerically. And for the record I would like to identify each of those exhibits. The exhibit marked SUB Ex.1 is the certificate of the Board's authorizing resolution, authorizing Gary D. Hayes as Chancellor of the State University System to call this hearing. SUB Ex. 2 is the Order for Hearing stating that the hearing will be held in Conference Room A of the Capitol Square Building, 550 Cedar St., St. Paul, Minnesota on Tuesday, June 7th, 1977 commencing at 9:00 a.m. SUB Ex. 3 is the executed Notice of Hearing establishing the same time and place and date for the hearing. SUB Ex. 4 is a copy of the proposed rules which accompanied SUB Ex. 3 in the Notice. SUB Ex. 5 is the Affidavit of Receipt of the Secretary of State's list. SUB Ex. 6 is the Certificate of Delivery of the Secretary of State's list. SUB Ex. 7 is the Affidavit of Mailing the

Notice to those persons who were on the Secretary of State's list together with SUB Ex. 8 which contains a list of individuals and organizations to whom the Notice was sent by the State University Board. SUB Ex. 9 is a request to Ms. Luanne Wood of the State Register's Office dated April 20, 1977 requesting that the proposed Notice and the proposed regulations be printed in the State Register. SUB Ex. 10 is the Statement of Need relative to the proposed rules. SUB Ex. 11 is addressed to Mr. Peter Erickson of the Office of Hearing Examiners setting forth that information which is required by Hearing Examiner rule 103. SUB Ex. 12a through 12c are inquires which the SUB received relative to the proposed rules prior to the date of this hearing, June 7th, 1977. I would like to offer on behalf of the State University Board Exhibits 1 through 12c for the record.

EXAM. ERICKSON: State University Board Exhibits 1 through 12c are received.

(Board's Exhibits 1 through 12c received into evidence.)

MR. MOTTL: I would also like at this time to introduce Dr. Robert Hanson, presently the academic Vice President at Moorhead State University which is a university within the State University Board's jurisdiction who will make a presentation supporting the proposed rules.

Dr. Hanson?

DR. HANSON: I'm here today as a member of the Chancellor's task force on the State University Board rules and regulations. I have been a member of the Moorhead State University administration for 18 years during which time I've worked in all areas touched by these proposed governing rules. Specifically in addition to 9 years as the Chief Academic Officer I have served 7 years as Registrar and Director of Admission and 1 year as Director -- Dean of Granduate Studies. In accordance with the rules of the Office of Hearing Examiners I'd like to outline "the need for and the reasonableness of the proposed rules" with both fairness and economy. Also present to respond to questions, in addition to myself are Dr. Emily Hanna, Vice Chancellor for Academic Affairs of the State University System and Mr. Charles Mottl, Special Assistant Attorney General assigned to the State University Board. These rules were developed by a task force consisting of a President, a Vice Prisident of Academic Affairs, Administrative Affairs, and Student Affairs, Student members and others representing the seven institutions of the State University System. The four governing rules are entitled, number one, Purpose, number two, Admission Policies, number three, Equal Opportunity and number four, Criteria for Resident and

Nonresident Tuition Status.

First of all then in regard to governing rule one, governing rule one states the purpose of a State University System. It is deemed necessary because first of all a State University Board wishes to publicly affirm and state its mission, to identify its primary role as providing baccalaureate level education, to record the breadth and limits of its curriculum and to indicate it's relationship and responsiveness to public needs.

Secondly the State University Board has adopted a policy of program budgeting, throughout which its request for Legislative appropriations are tied directly to its mission, its perscribed curriculum and the regional needs of its citizens in Minnesota.

Formalizing these purposes is therefore, both consistent with and supportive of the financial interests of the State of Minnesota.

Govering rule one is deemed reasonable because it is simply stated and understandable by alllwho may read it. It is specific regarding the degree levels and programs offered by the state universities but it is not so detailed as to require frequent amendment.

In regard to governing rule two. Governing rule two states the admission policies of the state universities and is the first real effort to make a general statement

true of all seven institutions. It is deemed necessary because the external public has the right to know the admissions policies of the state universities. The state universities wish to be on record as applying the same appropriate standards to all potential students as a guarantee of equal opportunity and fairness. And the Legislature has authorized the State University Board to prescribe conditions of admissions to it's universities in Minnesota Statute 136.14.

The governing rule two is deemed reasonable because the standard is uniform for all state universities. The criteria stated are all demonstrably reliable measures of academic ability or probability of academic success. Alone or in combination they constitute the sole criteria for admission to the state university programs. The criteria are not new but the effort to identify an exclusive list of criteria is represented by this proposed rule.

Thirdly in regard to governing rule three, this rule states the state university system's commitment to equal opportunity. It's deemed necessary because the State University Board wishes to make public and permanent its commitment to equal opportunity in admissions, educational opportunity, employment and all other activities of the state universities. There's evidence to suggest that specific protection of categories or persons beyond

general constitutional guarantees of equal protection have an affirmative effect insuring equal opportunity to such groups.

Governing rule three is deemed reasonable because the State University Board has on record more specific policies and procedures relating to equal opportunity and affirmative action. A commitment is practicable that is, it can be and is being realized in the state university system.

Governing rule four identifies the criteria for resident and nonresident tuition status for the state university system. For the most part it reflects a rather old and sucessful system of procedures relating to residency and though it may appear a complex in practice it is relatively a simple rule. I believe I was asked to present these rules because of my own experience with this more detailed proposal. Governing rule four is deemed necessary as a governing rule because the chief -- public of the state university is the prospective student. Second, to questions about admissions he or she next needs a definition of residency because tuition rates are based on residential status. There are categories of persons whose residency status may be easily clarified by a rule in effect at all state universities. For example, recent veterans, spouses,

employees of the university. The Legislature has mandated a distinction in tuition rates between residents and nonresidents with the latter required to pay an additional tuition fee. Minnesota Statute 136.11 Subd. 1.

Governing rule four is deemed reasonable because it has worked well in the past and there are only minor changes from the past. It limits residential statute and thus state support to those students most legitimately indentifiable as citizens of Minnesota. It specifies the evidence applicable singly or in combination to the definitions of residency. It places the burdon of proof of the student claiming residency it provides for changes and corrections of status during the academic career of the student. I or my colleagues will at this time be happy to respond to questions.

EXAM. ERICKSON: Dr. Hanson, you stated that rule four has worked well in the past. What do you mean by that?

DR. HANSON: There are some changes in governing rule four from what we have had in the past not as a governing rule in its new legal status. But, as a part of the rules and regulations of the State University Board. there are some changes but they are relatively minor from what we have been operating under for several years, I believe since 1971.

EXAM. ERICKSON: Are you saying then that this is a policy that has been in effect at state universities?

DR. HANSON: Essentially yes, with some changes which were brought about as a result of, for example, the state reciprocity agreement with the states of Wisconsin and North Dakota. This resulted in a necessary change here in order keep the bookkeeping proper between the various states. There is one other change in that -- well there are some other smaller changes, I'm not sure I can remember all of them without having a copy of the old rule. One other change that was somewhat significant is that people of American Indian heritage Native American heritage were automatically classified as residents regardless of their location in the past. It was felt that this was picking out one minority group and was not applicable to other minority groups that might be just as worthy and due also to the reciprocity agreements with the state of Wisconsin and North Dakota, where most of the people residing outside of the state Minnesota of Native American heritage who choose to come to Minnesota institutions, they would be eligible anyhow for resident status and this seemed to clear the air by taking that part out.

EXAM. ERICKSON: Mr. Mottl, rule 4E states that no student who paid tuition as a resident in the most

recent academic year "or prior to adoption of this rule shall be reclassified as a nonresdient without a hearing for a university designated official or committee." I guess I've got some question as to whether or not that must be a Chapter 15 hearing. I'd appreciate if if you'd take a look at that issue and submit something to me in that regard.

MR. MOTTL: We will be able to resolved that issue before the rule becomes effective. I would add for the record relative to the resident, nonresident status proposed rule in addition to Dr. Hanson's statement, that the rule has previously been in its substantial form, a written rule, was adopted in its written form officially by the board in 1971 and it has been codified since that date as State University Board Internal Rule 5.

EXAM. ERICKSON: Ms. Nelson do you have a statement you'd like to make?

MS. NELSON: Yes, I wish to go on record as saying that I've listened to the information, I have read the information that's presented and that the American Association of University Women, Minnesota State Division supports the proposed rules. If I have any additional comment I'm just happy to see the Rule 3 about the equal opportunity, we feel that's very important.

EXAM. ERICKSON: Thank you. The record should also

show that notice of this rule with the proposed rule was published in the State Register on May 9th which was not 30 days prior ot the date of this hearing. Consequently this issue will have to be resolved as to whether a rehearing will have to be held. That determination will be made sometime within the next week and if a new hearing has to be held, I assume that will be done.

MR. MOTTL: That's correct.

EXAM. ERICKSON: OK. Are there any other comments or questions in regard to the proposed rules?

MR. MOTTL: Mr. Erickson, I only have one comment. I believe there were two individuals, Ms. Nelson was one and I believe there was one other individual standing outside the door prior to the hearing and may have heard that the hearing was being cancelled because of the lack of notice. Does anyone in the room know who that individual was?

MS. NELSON: I have no information.

EAAM. ERICKSON: OK, well, that --

MR. MOTTL: My purpose was solely to save the individual a second trip if that were the case.

EXAM. ERICKSON: OK, well that information didn't come from me. I didn't inform anyone that this was going to be cancelled. Let me remind you if there are any other comments or questions on the rules they can be

submitted in writing to me within 20 days of the close of this hearing. With that this hearing is adjourned.

(Whereupon the hearing was adjourned.)

TRANSCRIBER'S CERTIFICATE

I, Nancy M. Thomas, do hereby certify that the proceedings had in the foregoing matter on the 7th day of June, 1977, at St. Paul, Minnesota, before Peter C. Erickson, Hearing Examiner, were recorded by electronic device on magnetic recording tapes by the Hearing Examiner.

I further certify that I thereafter transcribed into typewriting the foregoing transcript from said recording tapes.

I further certify that said transcript of said hearing constitutes a full, true and correct transcript of the proceedings to the best of my ability.

Dated this 8th day of
June, 1977.

Nancy M Thomas

Nancy M. Thomas
CLERK TYPIST
OFFICE OF HEARING EXAMINERS

RECEIVED
MAY 9 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the Conference Room A, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota on Tuesday, June 7, 1977 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson, Room 300, Hearing Examiners Office, 1745 University Avenue, St. Paul Minnesota 55104 612-296-8118 either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would update existing State University Board policy relating to purpose, admissions policies, equal opportunity, and criteria for resident and non-resident tuition status. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Office of the Chancellor, State University System, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minnesota Statutes, Chapter 15, as amended, and Minnesota Statutes, Chapter 136, as amended. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony it will be introducing will be

filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

/s/ Garry D. Hays
Dr. Garry D. Hays, Chancellor

Date: 3-31-77

WALTER M. BAKER
WILLIAM G. BALE
CHARLES A. BASSFORD, JR.
CHARLES P. DANA
RICHARD J. GUNN
DAVID R. KNODELL
GEORGE C. MASTOR
ROBERT W. MATTSON
WAYNE H. OLSON
JAMES B. PROMAN
JACK A. ROSBERG
ALONZO B. SERAN

Law Offices MASTOR and MATTSON, Ltd.
315 PEAVEY BUILDING
730 SECOND AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE 339-8846 AREA 612

May 19, 1977

Office of the Chancellor
State University System
407 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Gentlemen:

Would you please send to our offices the one free copy of the proposed rules as listed under the State University Board, Admissions Policies, Equal Opportunity and Criteria for Resident or Non-Resident Tuition Status located on Page 1597 of your most recent issue of the State Register, issued May 10, 1977, (Volume 1, Number 44).

Thank you very much.

Yours very truly,

MASTOR AND MATTSON, LTD.

Connie L. Lonsky

Connie L. Lonsky
Secretary for A. B. Seran

SMB Ex 12a

May 23, 1977

Ms. Connie L. Lonsky
315 Peavey Building
730 Second Avenue South
Minneapolis, Minnesota 55402

Dear Ms. Lonsky:

As you requested in your letter of May 19, 1977, enclosed is a copy of the proposed Governing Rules which are subject to hearing on June 7, 1977.

Thank you for your interest in the State University System.

Sincerely,

Sharon K. Miller
Administrative Assistant
to the Chancellor

SKM:dk
Enclosure

340

Attorney General

962

Charles T. Mottl
Special Assistant
Attorney General
Department of Education

October 17, 1977

296-4692

Michael B. Miller
Special Assistant
Attorney General

Rules of the State University Board Governing the Purpose, Admissions, Policies, Equal Opportunity, Criteria for Resident and Non-Resident Tuition Status

The above-captioned rules are returned herewith and are not approved as to form and legality. Specifically, the reasons for such disapproval are as follows:

Rule I. This does not amount to a rule. Rather, it is a statement of the philosophical purpose of the State University itself.

Rule II. This rule is impermissibly vague, since it gives potential applicants no idea whatever of which standards will be applied, with what priority, and with what relative weight.

Rule III. Again, this statement is not a rule. Moreover, since the State University System is already obliged to follow all laws cited in this section, this statement itself is a redundancy.

Rule VI. This rule was unsupported by an affirmative presentation of evidence at the public hearing, with the exception of a few general statements to the effect that this system has always been used in the past. In addition, the following sections of this rule are insufficiently specific to make them effective as rules:

Section A2 leaves unanswered two questions:

1. Whether an honorable discharge is required of a veteran to qualify under this section.

2. Whether the 190 days referred to in this section means active duty.

Section B2. The term "derives residence" is vague enough to be capable of almost any interpretation.

Section B3. This section is completely as to unclear what, if any, probative value any or all of these facts have.

Finally, the question remains whether a dispute over status of a student as resident or non-resident should be contested case. The rules make reference to a hearing before a University-designated official committee; such a proceeding has an appearance of being a contested case under Chapter 15 and considerations should be given to treating it as such.

MBM:mb
Enclosure

GOVERNING RULES

I. Purpose

The primary mission of the State University System is to provide accessible, moderate cost, primarily baccalaureate level educational programs and such pre-baccalaureate and post-baccalaureate level programs, as are appropriate to meet the educational needs of the citizens of Minnesota.

As comprehensive institutions with a state-wide clientele, the universities offer a broad range of programs in the liberal arts, sciences, education, business, the fine arts, and selected occupational areas.

As regional institutions, the universities have the additional mission of being responsive to the specific educational, cultural, and service needs of their regions.

II. Admissions Policies

As determined by the university, students may be admitted to a Minnesota State University upon graduation from an accredited high school or the equivalent.

Admission to most programs is subject to one or more of the following: program capacity, facility and resource limitations, requirements of certification or accrediting agencies, and may include high school rank, college grade average, satisfactory completion of specified prerequisites, scores on standardized tests, minimum age or learning experience, and interviews.

III. Equal Opportunity

The State University System accepts its responsibility to insure equal opportunity to all qualified persons regardless of race, creed, religion, color, national origin, age, physical disability, reliance on public assistance, sex or marital status, as set forth by state or federal anti-discrimination laws.

IV. Criteria for Resident and Non-Resident Tuition Status

A. Direct Evidence of Resident Tuition Status

1. Any individual who has graduated from a Minnesota high school within two calendar years of application for admission to a Minnesota State University shall be granted resident tuition status.

2. Any individual who has served in the Armed Forces of the United States of America for a period in excess of 190 days for purposes other than training, and who has been released from such service within ten years of date of registration, may claim resident tuition status.

3. Any individual who has been appointed to a graduate assistantship prior to the first day of classes in a quarter shall be granted resident tuition status for the duration of the appointment.

4. Any individual who has been employed, or whose spouse has been employed, on a full-time basis for twelve months in Minnesota prior to the date of entrance to a university shall be granted resident tuition status provided all income derived from such employment was subject to taxation by the State of Minnesota.

5. Any United States citizen or legal dependent or ward of a United States citizen employed by the federal government or serving in the armed forces of the United States and stationed outside of the continental United States, and not a legal resident of any state or of the District of Columbia, may claim resident tuition status.

6. The spouse of a Minnesota resident, as "Minnesota resident" as used herein, may claim resident tuition status.

7. If a student's parental domicile is relocated to Minnesota, and the student has been residing in the parental domicile for at least one of the past two years, he or she may claim resident tuition status after one year of non-resident tuition.

8. No provision of this section (IV-A) shall apply to bonafide residents of other states which have enacted reciprocal tuition agreements with the State of Minnesota if such individuals are eligible for resident tuition under reciprocity; nor shall any section of this Governing Rule deny resident tuition status to anyone who has been given resident tuition status under section A.

B. Domiciliary Evidence of Resident Status

1. The sojourn in this state of a student from another state for the primary purpose of attending school is not residence, for the purpose of this Governing Rule, and it is presumed that a non-resident at the time of his or her enrollment continues in that classification throughout his or her presence as a student except where it can be proved that his or her previous residence has been abandoned and a new one established in Minnesota independently of the university and his or her attendance thereat.

2. Any minor student (i.e., any unmarried individual under age 18 at time of registration) may claim resident tuition status if the person from whom he or she derives residence is a bona fide domiciliary of this state.

3. The following facts alone or in combination shall not be conclusive in determination of residence: employment by the university in any position normally filled by students, voting

or registration for voting, ownership of real property, the lease of living quarters, payment of local and state taxes, driver's license or automobile registration, evidence of intention to acquire a residence in this state, or continued presence in Minnesota during academic vacation periods.

C. Change of Status

Any student having been initially classified a non-resident and having decided that he or she has become a resident, may initiate action to effect a change by filing with the university-designated office a petition which shall include a statement of the facts on which the student bases his or her belief, together with supporting affidavits or documentary evidence. Each university shall provide for the review of these petitions.

D. Correction of Erroneous Classification

1. If any student who has claimed resident tuition status and been subsequently classified as a non-resident, shall be determined to have been erroneously so classified, he or she shall be reclassified as a resident student and shall be refunded the amount of additional tuition incorrectly charged.

2. Any student determined to have erroneously claimed resident tuition status, shall be reclassified as a non-resident student, and if the cause of the incorrect classification shall be found to be due to any material concealment of facts or false statement made by the student at or before the time of classification, the student shall be required to pay all tuition fees which would have been charged under the correct classification.

E. No student who paid tuition as a resident in the most recent academic year quarter prior to adoption of this rule shall be reclassified as a non-resident without a hearing <u>at the option of the respective university president</u> before a university-designated official or committee.

state university system
office of the chancellor

PHONE 612 / 296-2844

407 CAPITOL SQUARE BUILDING / 550 CEDAR STREET, ST. PAUL, MINNESOTA 55101

September 12, 1977

Mr. Mike Miller
Special Assistant Attorney General
G-19 Administration Building
St. Paul, Minnesota 55155

Hearing Examiner Docket No.
SUB 77-001-PE

In re: In the Matter of the Proposed Adoption of Rules of the State University Board Governing Purpose, Admissions Policies, Equal Opportunity, and Criteria for Resident and Non-Resident Tuition Status

Dear Mr. Miller:

Pursuant to Minn. Reg. Atty. Gen., ch. 3, the complete hearing record in the above-entitled matter is herewith submitted to you for your review.

For your information, the hearing on these Rules was held on June 7 and August 2, 1977. After holding the record the prescribed number of days, the Hearing Examiner, Mr. Peter C. Erickson, issued his Findings of Fact, Conclusions and Recommendations on August 10, 1977. Thereafter the State University Board, after holding the record as provided in HE 107, adopted at its meeting of August 17, 1977, the Hearing Examiner's report and the Rules as presented at the Hearing of June 7 and August 2, 1977, with one amendment. The Board amended Rule IV, Section E by adding the phrase "at the option of the respective university president" after "...without a hearing" and before "...before a university-designated official..." The reason for this change is to retain the informal procedure intended by the Board in its Rule as proposed. Further, the change is consistent with the recommendations of the Hearing Examiner as set out in "Report of Hearing Examiner."

Based upon the foregoing, you are respectfully requested to approve the Board's action on these Rules as provided in Atty. Gen., ch. 3.

Thank you for your cooperation in this matter.

Sincerely,

Garry D. Hays

Garry D. Hays
Chancellor

cc: Mr. Peter C. Erickson
encs.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE UNIVERSITY BOARD

In the Matter of the Proposed Adoption of Rules of the State University Board Governing Purpose, Admissions Policies, Equal Opportunity, and Criteria for Resident and Non-Resident Tuition Status.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:30 a.m. on Tuesday, August 2, 1977 in Conference Room A, Capitol Square Building, St. Paul, Minnesota. This matter was initially heard on June 7, 1977, but because of a deficiency in the notice, a rehearing with proper notice was required.

Charles Mottl, Special Assistant Attorney General, 303 Capitol Square Building, appeared as counsel for the State University Board. The June 7th testimony of Dr. Robert Hanson in support of the proposed rules was incorporated into the record of the August 2nd rehearing. No members of the public attended the August 2nd hearing.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The State University Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall also clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On March 31, 1977, the State University Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. On June 27, 1977, a Notice of Hearing and a copy of the proposed rules were published at 1 State Register 1824.

3. On May 6, 1977, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On May 17, 1977, the Board filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need; and
(g) The Statement of Evidence, including the names of witnesses to be called;
(h) The names of agency personnel who will represent the agency.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through August 9, 1977 for the receipt of written comments and statements.

6. The entire record made at the June 7, 1977 hearing was incorporated into the record of the August 2nd rehearing.

7. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. § 136.14.

8. Proposed SUB I, Purpose, is a policy statement which sets forth the purposes and goals of the State University System.

9. Proposed SUB II, Admissions Policies, states a general formula for the admission procedure for State Universities.

10. Proposed SUB III, Equal Opportunity, states that the State University System will comply with all state and federal equal opportunity laws and regulations.

11. Proposed SUB IV, Criteria for Resident and Non-Resident Tuition Status, applies to those individuals external to the State University System. The rule establishes the criteria considered in determining whether a prospective student or a student will pay resident or non-resident tuition rates, the latter set at a higher amount. This proposed rule is a codification of a policy identified by the Board as an "Internal Rule" which has remained substantially the same since 1971.

a. Section E of Proposed Sub IV reads as follows:

> E. No student who paid tuition as a resident in the most recent academic year quarter prior to adoption of this rule shall be reclassified as a non-resident without a hearing before a university-designated official or committee.

The Examiner commented at hearing that this provision may require a Chapter 15 hearing, which is not spelled out in the section.

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

CONCLUSIONS

1. Due, timely and adequate legal notice of the hearing was properly served and filed by the State University Board. All other substantive and procedural requirements of statutes or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1976), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency action. . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts."

3. All state administrative hearings which are required by the Constitution or by state law (statutes or rules) are to be conducted pursuant to Minn. Stat., Ch. 15, with the exceptions noted therein. The Examiner concludes that Section E of proposed SUB IV should either state that the hearing will be conducted pursuant to Chapter 15 or eliminate the mandatory right to a hearing.

4. The Examiner concludes that the State University Board has documented its statutory authority to take the proposed action.

5. The Examiner concludes that the Board has demonstrated the need for and reasonableness of the proposed rules.

6. The Examiner concludes that the amendment he is suggesting in Conclusion 3 does not constitute a substantial change.

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

RECOMMENDATION

That the State University Board adopt the proposed rules as recommended to be amended in this Report.

Dated this 10th day of August, 1977.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

GOVERNING RULES

I. Purpose

The primary mission of the State University System is to provide accessible, moderate cost, primarily baccalaureate level educational programs and such pre-baccalaureate and post-baccalaureate level programs, as are appropriate to meet the educational needs of the citizens of Minnesota.

As comprehensive institutions with a state-wide clientele, the universities offer a broad range of programs in the liberal arts, sciences, education, business, the fine arts, and selected occupational areas.

As regional institutions, the universities have the additional mission of being responsive to the specific educational, cultural, and service needs of their regions.

II. Admissions Policies

As determined by the university, students may be admitted to a Minnesota State University upon graduation from an accredited high school or the equivalent.

Admission to most programs is subject to one or more of the following: program capacity, facility and resource limitations, requirements of certification or accrediting agencies, and may include high school rank, college grade average, satisfactory completion of specified prerequisites, scores on standardized tests, minimum age or learning experience, and interviews.

III. Equal Opportunity

The State University System accepts its responsibility to insure equal opportunity to all qualified persons regardless of race, creed, religion, color, national origin, age, physical disability, reliance on public assistance, sex or marital status, as set forth by state or federal anti-discrimination laws.

IV. Criteria for Resident and Non-Resident Tuition Status

A. Direct Evidence of Resident Tuition Status

1. Any individual who has graduated from a Minnesota high school within two calendar years of application for admission to a Minnesota State University shall be granted resident tuition status.

2. Any individual who has served in the Armed Forces of the United States of America for a period in excess of 190 days for purposes other than training, and who has been released from such service within ten years of date of registration, may claim resident tuition status.

3. Any individual who has been appointed to a graduate assistantship prior to the first day of classes in a quarter shall be granted resident tuition status for the duration of the appointment.

4. Any individual who has been employed, or whose spouse has been employed, on a full-time basis for twelve months in Minnesota prior to the date of entrance to a university shall be granted resident tuition status provided all income derived from such employment was subject to taxation by the State of Minnesota.

5. Any United States citizen or legal dependent or ward of a United States citizen employed by the federal government or serving in the armed forces of the United States and stationed outside of the continental United States, and not a legal resident of any state or of the District of Columbia, may claim resident tuition status.

6. The spouse of a Minnesota resident, as "Minnesota resident" as used herein, may claim resident tuition status.

7. If a student's parental domicile is relocated to Minnesota, and the student has been residing in the parental domicile for at least one of the past two years, he or she may claim resident tuition status after one year of non-resident tuition.

8. No provision of this section (IV-A) shall apply to bonafide residents of other states which have enacted reciprocal tuition agreements with the State of Minnesota if such individuals are eligible for resident tuition under reciprocity; nor shall any section of this Governing Rule deny resident tuition status to anyone who has been given resident tuition status under section A.

B. Domiciliary Evidence of Resident Status

1. The sojourn in this state of a student from another state for the primary purpose of attending school is not residence, for the purpose of this Governing Rule, and it is presumed that a non-resident at the time of his or her enrollment continues in that classification throughout his or her presence as a student except where it can be proved that his or her previous residence has been abandoned and a new one established in Minnesota independently of the university and his or her attendance thereat.

2. Any minor student (i.e., any unmarried individual under age 18 at time of registration) may claim resident tuition status if the person from whom he or she derives residence is a bona fide domiciliary of this state.

3. The following facts alone or in combination shall not be conclusive in determination of residence: employment by the university in any position normally filled by students, voting

or registration for voting, ownership of real property, the lease of living quarters, payment of local and state taxes, driver's license or automobile registration, evidence of intention to acquire a residence in this state, or continued presence in Minnesota during academic vacation periods.

C. Change of Status

Any student having been initially classified a non-resident and having decided that he or she has become a resident, may initiate action to effect a change by filing with the university-designated office a petition which shall include a statement of the facts on which the student bases his or her belief, together with supporting affidavits or documentary evidence. Each university shall provide for the review of these petitions.

D. Correction of Erroneous Classification

1. If any student who has claimed resident tuition status and been subsequently classified as a non-resident, shall be determined to have been erroneously so classified, he or she shall be reclassified as a resident student and shall be refunded the amount of additional tuition incorrectly charged.

2. Any student determined to have erroneously claimed resident tuition status, shall be reclassified as a non-resident student, and if the cause of the incorrect classification shall be found to be due to any material concealment of facts or false statement made by the student at or before the time of classification, the student shall be required to pay all tuition fees which would have been charged under the correct classification.

E. No student who paid tuition as a resident in the most recent academic year quarter prior to adoption of this rule shall be reclassified as a non-resident without a hearing at the option of the respective university president before a university-designated official or committee.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 - 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

September 6, 1977

Mr. Garry D. Hays, Chancellor
State University System
407 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Re: In the Matter of the Proposed Adoption of Rules of the State University Board Governing Purpose, Admissions Policies, Equal Opportunity, and Criteria for Resident and Non-Resident Tuition Status.
SUB-77-001-PE

Dear Mr. Hays:

Enclosed please find the entire record which you submitted to us for review on the issue of substantial change together with the Report of the Chief Hearing Examiner, pursuant to Minn. Stat. § 15.052, Subd. 3.

Yours very truly,

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

DRH:sh
Encs.

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE UNIVERSITY BOARD

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held August 2, 1977, before Peter C. Erickson, 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 August 10, 1977; 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 Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the State University Board has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

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 Board to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 6th day of September, 1977.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

FINDINGS AND ORDER ADOPTING RULES

The above entitled matter came on for hearing before Peter C. Erickson, Hearing Examiner of the Office of Hearing Examiner of the State of Minnesota on the 7th day of June, 1977, at 9:00 a.m. and on the 2nd day of August, 1977, at 9:30 a.m. in Conference Room A in the Capitol Square Building, 550 Cedar 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 amends Rule IV E by adding the phrase "at the option of the respective university president" after "...without a hearing" and before "...before a university-designated official..." The reason for this change is to retain the informal procedure intended by the Board in its Rule as proposed and further is consistent with the recommendations of the Hearing Examiner as set out in "Report of Hearing Examiner," and

Except as amended as set out above, the State University Board hereby adopts and incorporates herein the Findings of Fact, Conclusions and Recommendations of Peter C. Erickson, Hearing Examiner, dated August 10, 1977

THEREFORE, IT IS ORDERED that these Rules attached hereto and identified as Governing Rules I, II, III, and IV are adopted this 17th day of August, 1977, pursuant to authority vested in us by Minn. Stat., Ch. 136.

By Kenneth J. Rothchild
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 17th day of August, 1977, 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 17th day of August, 1977.

Howard B. Casmey
Secretary State University Board

Attest by one other Board Member

The Rules published in State Register Volume 1, Number 44, page 1597, May 19, 1977, (1 S.R. 1597), are adopted and are identical in every respect to their proposed form, with the following amendment:

SUB4 E. No student who paid tuition as a resident in the most recent academic year quarter prior to adoption of this rule shall be reclassified as a non-resident without a hearing <u>at the option of the respective university president</u> before a university-designated official or committee.

SUB Ex. 1

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 25th day of March, 1977, 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 Garry D. Hays, Chancellor of the State University System, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board, including those attached hereto as Exhibit A, 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 25th day of March, 1977.

Frank G. Chesley
President, State University Board

Attest by one other officer

SUB EX. 2

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION
OF RULES OF THE STATE UNIVERSITY BOARD
GOVERNING PURPOSE, ADMISSIONS POLICIES,
EQUAL OPPORTUNITY, AND CRITERIA FOR
RESIDENT AND NON-RESIDENT TUITION STATUS.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the Conference Room A, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota on Tuesday, June 7, 1977 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

/s/ Garry D. Hays
Dr. Garry D. Hays, Chancellor

Date: 3-31-77

SUB Ex. 3

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the Conference Room A, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota on Tuesday, June 7, 1977 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson, Room 300, Hearing Examiners Office, 1745 University Avenue, St. Paul Minnesota 55104 612-296-8118 either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would update existing State University Board policy relating to purpose, admissions policies, equal opportunity, and criteria for resident and non-resident tuition status. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Office of the Chancellor, State University System, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minnesota Statutes, Chapter 15, as amended, and Minnesota Statutes, Chapter 136, as amended. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony it will be introducing will be

filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

/s/ Garry D. Hays
Dr. Garry D. Hays, Chancellor

Date: 3-31-77

SUB EX. 4

GOVERNING RULES

I. Purpose

The primary mission of the State University System is to provide accessible, moderate cost, primarily baccalaureate level educational programs and such pre-baccalaureate and post-baccalaureate level programs, as are appropriate to meet the educational needs of the citizens of Minnesota.

As comprehensive institutions with a state-wide clientele, the universities offer a broad range of programs in the liberal arts, sciences, education, business, the fine arts, and selected occupational areas.

As regional institutions, the universities have the additional mission of being responsive to the specific educational, cultural, and service needs of their regions.

II. Admissions Policies

As determined by the university, students may be admitted to a Minnesota State University upon graduation from an accredited high school or the equivalent.

Admission to most programs is subject to one or more of the following: program capacity, facility and resource limitations, requirements of certification or accrediting agencies, and may include high school rank, college grade average, satisfactory completion of specified prerequisites, scores on standardized tests, minimum age or learning experience, and interviews.

III. Equal Opportunity

The State University System accepts its responsibility to insure equal opportunity to all qualified persons regardless of race, creed, religion, color, national origin, age, physical disability, reliance on public assistance, sex or marital status, as set forth by state or federal anti-discrimination laws.

IV. Criteria for Resident and Non-Resident Tuition Status

A. Direct Evidence of Resident Tuition Status

1. Any individual who has graduated from a Minnesota high school within two calendar years of application for admission to a Minnesota State University shall be granted resident tuition status.

2. Any individual who has served in the Armed Forces of the United States of America for a period in excess of 190 days for purposes other than training, and who has been released from such service within ten years of date of registration, may claim resident tuition status.

3. Any individual who has been appointed to a graduate assistantship prior to the first day of classes in a quarter shall be granted resident tuition status for the duration of the appointment.

4. Any individual who has been employed, or whose spouse has been employed, on a full-time basis for twelve months in Minnesota prior to the date of entrance to a university shall be granted resident tuition status provided all income derived from such employment was subject to taxation by the State of Minnesota.

5. Any United States citizen or legal dependent or ward of a United States citizen employed by the federal government or serving in the armed forces of the United States and stationed outside of the continental United States, and not a legal resident of any state or of the District of Columbia, may claim resident tuition status.

6. The spouse of a Minnesota resident, as "Minnesota resident" as used herein, may claim resident tuition status.

7. If a student's parental domicile is relocated to Minnesota, and the student has been residing in the parental domicile for at least one of the past two years, he or she may claim resident tuition status after one year of non-resident tuition.

8. No provision of this section (IV-A) shall apply to bonafide residents of other states which have enacted reciprocal tuition agreements with the State of Minnesota if such individuals are eligible for resident tuition under reciprocity; nor shall any section of this Governing Rule deny resident tuition status to anyone who has been given resident tuition status under section A.

B. Domiciliary Evidence of Resident Status

1. The sojourn in this state of a student from another state for the primary purpose of attending school is not residence, for the purpose of this Governing Rule, and it is presumed that a non-resident at the time of his or her enrollment continues in that classification throughout his or her presence as a student except where it can be proved that his or her previous residence has been abandoned and a new one established in Minnesota independently of the university and his or her attendance thereat.

2. Any minor student (i.e., any unmarried individual under age 18 at time of registration) may claim resident tuition status if the person from whom he or she derives residence is a bona fide domiciliary of this state.

3. The following facts alone or in combination shall not be conclusive in determination of residence: employment by the university in any position normally filled by students, voting

or registration for voting, ownership of real property, the lease of living quarters, payment of local and state taxes, driver's license or automobile registration, evidence of intention to acquire a residence in this state, or continued presence in Minnesota during academic vacation periods.

C. Change of Status

Any student having been initially classified a non-resident and having decided that he or she has become a resident, may initiate action to effect a change by filing with the university-designated office a petition which shall include a statement of the facts on which the student bases his or her belief, together with supporting affidavits or documentary evidence. Each university shall provide for the review of these petitions.

D. Correction of Erroneous Classification

1. If any student who has claimed resident tuition status and been subsequently classified as a non-resident, shall be determined to have been erroneously so classified, he or she shall be reclassified as a resident student and shall be refunded the amount of additional tuition incorrectly charged.

2. Any student determined to have erroneously claimed resident tuition status, shall be reclassified as a non-resident student, and if the cause of the incorrect classification shall be found to be due to any material concealment of facts or false statement made by the student at or before the time of classification, the student shall be required to pay all tuition fees which would have been charged under the correct classification.

E. No student who paid tuition as a resident in the most recent academic year quarter prior to adoption of this rule shall be reclassified as a non-resident without a hearing before a university-designated official or committee.

SUB EX. 5

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Sharon K. Miller, being duly sworn on oath deposes and says;

1) That She is an employee of the State University System of the State of Minnesota.

2) That on the 4th day of May, She 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 to M.S. 15.0412.

3) That on the 4th day of May, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Sharon K. Miller

Subscribed and sworn to before me this 4 day of MAY, 1977

Gerhard M. Dybdahl
Notary Public,

GERHARD M. DYBDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires July 2, 19 83

_____ County, Minnesota
My Commission expires _____.

SUB EX. 6

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

CERTIFICATE OF DELIVERY SECRETARY OF STATE LIST

I hereby certify that the attached 506 labels sheets constitute the complete list of persons, associations, and other interested groups who as of 9:15 o'clock A M., this 4th day of May, 1977, have requested pursuant to M.S. 1976, Sec. 15.0412, 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.

SECRETARY OF STATE

Joan Anderson Growe

By Neil Dion

SUB Ex 7

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

AFFIDAVIT OF MAILING

Donna Kelley, being first duly sworn, deposes and says:

That on the 6 day of May, 1977, 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 attached Certificate of the Secretary of State.

Donna Kelley

Subscribed and sworn to before me this

6 day of May, 1977.

Gerhard M Dybdahl

GERHARD M. DYBDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires July 2, 1983

SUB Ex. 8

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

Bill Macklin
70 State Office Building
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

Dale Connelly, Education Reporter
KSJN Radio
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

Ms. Linda Kohl
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

Twin City Courier
84 So. 6th Street, Room 59
Minneapolis, Minnesota 55402

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. Mike McCabe
Minneapolis Star
425 Portland Avenue
Minneapolis, Minnesota 55415

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

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

Patricia Knight
Minnesota Daily
10 Murphy Hall
University of Minnesota
Minneapolis, Minnesota 55455

The Minneapolis Spokesman
3744 4th Avenue South
Minneapolis, Minnesota

The Twin City Observer
23 South 6th Street
Minneapolis, Minnesota

B LIST

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

Mr. Richard Hawk
Executive Director
Minn. Higher Education Coordinating Board
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

Bon Aronson
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

Gerald W. Christenson
Commissioner, Department of Finance
Room 309 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

R. D. Anderson
380 State Office Building
Minority Caucus
St. Paul, Minnesota 55155

Marilyn Thompson
216 State Office Building
House Majority Media
St. Paul, Minnesota 55155

Ms. Vicki Sturgeon
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Worthington Community College
Worthington, Minnesota 56187

Ed Black
KMHL
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Marshall, MN. 56258

C LIST

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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
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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)

Adolph Bremer
Editor
Winona Daily News
Winona, Minnesota 55987

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Bemidji Daily Pioneer
Bemidji, Minnesota 56601

City Desk
St. Cloud Times
St. Cloud, Minnesota 56301
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City Desk
Winona Daily News
Winona, Minnesota 55987
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Mankato, Minnesota 56001
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KYSM Radio
Mankato, Minnesota 56001

KAGE Radio
News Editor (507-452-9494)
Winona, Minnesota 55987

Cal Olson
Channel 13, KTHI
South Highway 81, Fargo, North Dakota

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

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

Liz Schevtchuk
St. Cloud Times
St. Cloud, Minnesota 56301

Cheryl Ellis
Fargo Forum
9-4th Street North
Moorhead, Minnesota 56560

Gordon Holte
Winona Daily News
Winona, Minnesota 55987

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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)

Ms. Lee Henschel
Editor
Southwest Reader
Marshall, Minnesota 56258

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

UTVS, Room 127 Stewart Hall
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St. Cloud, Minnesota 56301
(tel. 612-255-3027)

The Reader
Southwest State University
Marshall, Minnesota 56258
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Winonan
Winona State University
Winona, Minnesota 55987
Tamrat Tademe, Editor-in-Chief
(tel. 507-457-2158)

KQAL
Winona State University
Winona, Minnesota 55987

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
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St. Cloud, Minnesota 56301

Student Senate Office
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Student Senate Office
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Mitch Penny
President, MSUSA
Student Senate
Winona State University
Winona, Minnesota 55987

Arnold M. Schneider
Executive Director, IFO/MEA
41 Sherburne Avenue
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Student Attorney
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16695 Galena Avenue West
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G LIST

STATE UNIVERSITY PRESIDENTS

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President
Bemidji State University
Bemidji, Minnesota 56601
(tel. 218-755-2011)

Dr. Douglas Moore
President
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Mankato, Minnesota 56001
(tel. 507-389-1111)

Dr. Roland Dille
President
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H LIST

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1308 West Street
Montevideo, Minnesota 56265

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I LIST

OUTSTATE NEWSPAPERS

Editor
Fairbault Daily News
Faribault, Minnesota 55021

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

Editor
Rochester Post Bulletin
Rochester, Minnesota 55901

Editor
Albert Lea Tribune
Albert Lea, Minnesota 56007

Editor
Worthington Globe
Worthington, Minnesota 56187

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Brainerd Dispatch
Brainerd, Minnesota 56401

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International Falls Daily Journal
International Falls, Minnesota 56649

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East Grand Forks, Minnesota 56721

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Owatonna Daily People's Press
Owatonna, Minnesota 55060

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Virginia, Minnesota 55792

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Austin, Minnesota 55912

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Fairmont, Minnesota 56073

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Little Falls Daily Transcript
Little Falls, Minnesota 56345

Editor
Fergus Falls Journal
Fergus Falls, Minnesota 56537

Editor
Crookston Daily Times
Crookston, Minnesota 56716

Editor
Montevideo American News
Montevideo, Minnesota 56265

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New Ulm, Minnesota 56073

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Reverend Stephen Knudson
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Winona, Minnesota 55987

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Winona, Minnesota 55987

Mr. Steven Goldberg
Attorney
160 Lafayette
Winona, Minnesota 55987

- -

PRESIDENT : Mr. Pat Leary

VICE PRESIDENT : Mr. James Becker

SECRETARY : Mr. Allen Carriere

N LIST

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Vladimir Shipka
513 So. Pokegama Avenue
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Butterfield,
Minnesota 56120

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Moorhead, Minnesota 56560

Emil A. Erickson
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David Lebedoff
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Minneapolis, Minnesota 55401

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STATE UNIVERSITY SYSTEM

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STATE UNIVERSITY SYSTEM

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Mr. Carl Long
Vice President for Administration
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Mr. Ed McMahon
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Moorhead, Minnesota 56560

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St. Cloud, Minnesota 56301

Mr. Greg Diemer
Business Office
Southwest State University
Marshall, Minnesota 56258

Mr. Norman Decker
Vice President for Administrative Affairs
Winona State University
Winona, Minnesota 55987

O LIST

STATE UNIVERSITY SYSTEM

STUDENT AFFAIRS VICE PRESIDENTS

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Vice President for Student Affairs
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Dr. Carl Lofy
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Vice President for Student Affairs
Southwest State University
Marshall, Minnesota 56258

Dr. John Kane
Vice President for Student Affairs
Winona State University
Winona, Minnesota 55987

ADD TO O LIST

Dr. Robert Johnson
Vice President for Public
Service and Development
Southwest State University
Marshall, Minnesota 56258

Sub E.X. 4

April 20, 1977

MEMO TO: Luann Wood
State Register's Office

FROM: Sharon K. Miller
Administrative Assistant
to the Chancellor

SUBJECT: Request for Printing in State Register

Enclosed are two copies of the proposed State University Board Governing Rules, to be printed in the State Register, the Notice of Hearing, and the OSR-Form 100.

If you should need any additional information, please give me a call.

SKM:dk
Enclosures

SUB EX 10

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

STATEMENT OF NEED

Except for proposed Governing Rule III which amends SCB 202 (1971), the above-captioned rules are not amendments to existing rules of the State University Board.

The Governing Rules were modified in 1976 solely to make them consistent with collective bargaining agreements entered into pursuant to Minnesota Statutes, Sections 179.61 to 179.77. As a result of the somewhat fragmented 1976 modification of the rules pursuant to Minnesota Statutes, Section 136.148 (1976), it is deemed necessary to rewrite the Governing Rules.

Rule III, Equal Opportunity, amends the present rule, SCB 202 (1971). The rule provides acknowledgement to the public that the State University System complies with all state and federal equal opportunity laws and regulations.

Rule I, Purpose, identifies for the public the purpose of the state universities.

Rule II, Admissions, is a new rule which affects those persons seeking admission in the State University System.

Both rules I and II are necessary since they affect individuals who are external to the State University System and who need information to gain admission as students.

Rule IV, Criteria for Resident and Non-Resident Tuition Status, is necessary since it also applies to those individuals external to the State University System. The rule establishes the criteria considered in determining whether a prospective student or a student will pay resident or non-resident tuition rates, the latter set at a higher amount. This proposed rule is a codification of a policy identified by the Board as an "Internal Rule" which has remained substantially the same since 1971.

Authority for the above-captioned rules is found in M.S. 136.14, 136.12, and 136.11 (1976).

STATE UNIVERSITY SYSTEM

By Garry D. Hays
GARRY D. HAYS
Chancellor

state university system
office of the chancellor

RECEIVED
MAY 17 1977
OFFICE OF HEARING EXAMINERS

PHONE 612 / 296-2844

407 CAPITOL SQUARE BUILDING / 550 CEDAR STREET, ST. PAUL, MINNESOTA 55101

May 13, 1977

Mr. Peter Erickson
Office of Hearing Examiners
Room 300
1745 University Avenue
St. Paul, Minnesota 55104

Hearing Examiner Docket No.
SUB 77-001-PE

Re: In the Matter of the Proposed Adoption of Rules of the State University Board Governing Purpose, Admissions Policies, Equal Opportunity, and Criteria for Resident and Non-Resident Tuition Status.

Dear Mr. Erickson:

In accordance with the Rules of the Office of Hearing Examiners, HE 103, enclosed please find the Order for Hearing, the Notice of Hearing as mailed, the Certificate of the Secretary of State, the Affidavit of Mailing and the Statement of Need relating to the above entitled matter. The enclosed Statement of Need appears also to satisfy the requirements of HE 103(i).

Pursuant to the Rules of the Office of Hearing Examiners, specifically HE 103(h), Dr. Robert Hanson, Vice President for Academic Affairs, Moorhead State University will represent the agency at the Hearing.

Except for the individual named above, the State University Board has no present intention of presenting, at the Hearing, any other witnesses on behalf of the Board.

If any of the above information is not sufficient for your needs, please contact Sharon K. Miller, Administrative Assistant to the Chancellor, immediately at 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, 296-3717.

Sincerely,

Garry D. Hays

Garry D. Hays
Chancellor

GDH:dk

RECEIVED
MAY 17 1977
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION
OF RULES OF THE STATE UNIVERSITY BOARD
GOVERNING PURPOSE, ADMISSIONS POLICIES,
EQUAL OPPORTUNITY, AND CRITERIA FOR
RESIDENT AND NON-RESIDENT TUITION STATUS.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the _____ on _____ commencing at _____ and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

/s/ Garry D. Hays
Dr. Garry D. Hays, Chancellor

Date: 3-31-77

RECEIVED
MAY 17 1977
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the Conference Room A, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota on Tuesday, June 7, 1977 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson, Room 300, Hearing Examiners Office, 1745 University Avenue, St. Paul Minnesota 55104 612-296-8118 either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would update existing State University Board policy relating to purpose, admissions policies, equal opportunity, and criteria for resident and non-resident tuition status. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Office of the Chancellor, State University System, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minnesota Statutes, Chapter 15, as amended, and Minnesota Statutes, Chapter 136, as amended. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony it will be introducing will be

filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

/s/ Garry D. Hays
Dr. Garry D. Hays, Chancellor

Date: 3-31-77

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

RECEIVED
MAY 17 1977
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Sharon K. Miller, being duly sworn on oath deposes and says;

1) That She is an employee of the State University System of the State of Minnesota.

2) That on the 4th day of May, She 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 to M.S. 15.0412.

3) That on the 4th day of May, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Sharon K. Miller

Subscribed and sworn to before me this 4 day of MAY, 1977

Gerhard M. Dybdahl
Notary Public,

GERHARD M. DYBDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires July 2, 1983

_____ County, Minnesota
My Commission expires _____.

RECEIVED
MAY 17 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

AFFIDAVIT OF MAILING

Dawn [illegible], being first duly sworn, deposes and says:

That on the ____ day of _____, 1977, 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 attached Certificate of the Secretary of State.

Dawn Kelley

Subscribed and sworn to before me this

6 day of May, 1977.

Gerhard M Dybdahl

GERHARD M. DYBDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires July 2, 1983

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

RECEIVED
MAY 17 1977
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

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Rule I, Purpose, identifies for the public the purpose of the state universities.

Rule II, Admissions, is a new rule which affects those persons seeking admission in the State University System.

Both rules I and II are necessary since they affect individuals who are external to the State University System and who need information to gain admission as students.

Rule IV, Criteria for Resident and Non-Resident Tuition Status, is necessary since it also applies to those individuals external to the State University System. The rule establishes the criteria considered in determining whether a prospective student or a student will pay resident or non-resident tuition rates, the latter set at a higher amount. This proposed rule is a codification of a policy identified by the Board as an "Internal Rule" which has remained substantially the same since 1971.

Authority for the above-captioned rules is found in M.S. 136.14, 136.12, and 136.11 (1976).

STATE UNIVERSITY SYSTEM

By _____
GARRY D. HAYS
Chancellor

STATE UNIVERSITY SYSTEM
Capitol Square Building
Room 407, 550 Cedar St.
St. Paul, Minnesota 55101

Mr. Peter Erickson
Office of Hearing Examiners
Room 300
1745 University Avenue
St, Paul, Minnesota 55104

state university system
office of the chancellor

RECEIVED
MAR 31 1977
OFFICE OF HEARING EXAMINERS

PHONE 612/296-2844

407 CAPITOL SQUARE BUILDING / 550 CEDAR STREET, ST. PAUL, MINNESOTA 55101

SUB-77-001-PE

March 30, 1977

Mr. Duane R. Harves
Chief Hearing Examiner
Hearing Examiner's Office, Room 300
1745 University Avenue
St. Paul, Minnesota 55104

RE: In the matter of the proposed adoption of rules of the State University System governing purpose, admissions policies, equal opportunity, and criteria for resident and non-resident tuition status.

Dear Mr. Harves:

Attached hereto please find the State University Board's proposed rules, proposed Order for Hearing, proposed Notice of Hearing, and certificate of Board's authorizing resolution, in the above entitled matter.

The Board respectfully requests that a hearing date, time, and place be scheduled, and that a hearing officer be assigned in this matter. Regarding the hearing date, I might suggest anytime between June 1 - 17, as our staff person will not be available to testify from June 20 - July 5.

In accordance with the rules of the Office of Hearing Examiners, particularly HE 102(d), you are hereby advised that the State University Board reasonably anticipates that an estimated ten to fifteen people are expected to attend the above-captioned hearing and that the hearing on the proposed rules is estimated to take approximately one-half day.

Sincerely,

Garry D. Hays

Garry D. Hays
Chancellor

GDH:dk
Attachments

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION
OF RULES OF THE STATE UNIVERSITY BOARD
GOVERNING PURPOSE, ADMISSIONS POLICIES,
EQUAL OPPORTUNITY, AND CRITERIA FOR
RESIDENT AND NON-RESIDENT TUITION STATUS. ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the _____

on _____ commencing at _____ and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

/s/ Garry D. Hays
Dr. Garry D. Hays, Chancellor

Date: 3-31-77

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE UNIVERSITY BOARD GOVERNING PURPOSE, ADMISSIONS POLICIES, EQUAL OPPORTUNITY, AND CRITERIA FOR RESIDENT AND NON-RESIDENT TUITION STATUS.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held on the _____ on _____ commencing at _____ and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to _____ _____ either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would update existing State University Board policy relating to purpose, admissions policies, equal opportunity, and criteria for resident and non-resident tuition status. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Office of the Chancellor, State University System, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minnesota Statutes, Chapter 15, as amended, and Minnesota Statutes, Chapter 136, as amended. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony it will be introducing will be

filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

/s/ Garry D. Hays

Dr. Garry D. Hays, Chancellor

Date: 3-31-77

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 25th day of March, 1977, 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 Garry D. Hays, Chancellor of the State University System, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board, including those attached hereto as Exhibit A, 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 25th day of March, 1977.

Frank G. Chesley
President, State University Board

Attest by one other officer

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GOVERNING RULES

I. Purpose

The primary mission of the State University System is to provide accessible, moderate cost, primarily baccalaureate level educational programs and such pre-baccalaureate and post-baccalaureate level programs, as are appropriate to meet the educational needs of the citizens of Minnesota.

As comprehensive institutions with a state-wide clientele, the universities offer a broad range of programs in the liberal arts, sciences, education, business, the fine arts, and selected occupational areas.

As regional institutions, the universities have the additional mission of being responsive to the specific educational, cultural, and service needs of their regions.

II. Admissions Policies

As determined by the university, students may be admitted to a Minnesota State University upon graduation from an accredited high school or the equivalent.

Admission to most programs is subject to one or more of the following: program capacity, facility and resource limitations, requirements of certification or accrediting agencies, and may include high school rank, college grade average, satisfactory completion of specified prerequisites, scores on standardized tests, minimum age or learning experience, and interviews.

III. Equal Opportunity

The State University System accepts its responsibility to insure equal opportunity to all qualified persons regardless of race, creed, religion, color, national origin, age, physical disability, reliance on public assistance, sex or marital status, as set forth by state or federal anti-discrimination laws.

IV. Criteria for Resident and Non-Resident Tuition Status

A. Direct Evidence of Resident Tuition Status

1. Any individual who has graduated from a Minnesota high school within two calendar years of application for admission to a Minnesota State University shall be granted resident tuition status.

2. Any individual who has served in the Armed Forces of the United States of America for a period in excess of 190 days for purposes other than training, and who has been released from such service within ten years of date of registration, may claim resident tuition status.

3. Any individual who has been appointed to a graduate assistantship prior to the first day of classes in a quarter shall be granted resident tuition status for the duration of the appointment.

4. Any individual who has been employed, or whose spouse has been employed, on a full-time basis for twelve months in Minnesota prior to the date of entrance to a university shall be granted resident tuition status provided all income derived from such employment was subject to taxation by the State of Minnesota.

5. Any United States citizen or legal dependent or ward of a United States citizen employed by the federal government or serving in the armed forces of the United States and stationed outside of the continental United States, and not a legal resident of any state or of the District of Columbia, may claim resident tuition status.

6. The spouse of a Minnesota resident, as "Minnesota resident" as used herein, may claim resident tuition status.

7. If a student's parental domicile is relocated to Minnesota, and the student has been residing in the parental domicile for at least one of the past two years, he or she may claim resident tuition status after one year of non-resident tuition.

8. No provision of this section (IV-A) shall apply to bonafide residents of other states which have enacted reciprocal tuition agreements with the State of Minnesota if such individuals are eligible for resident tuition under reciprocity; nor shall any section of this Governing Rule deny resident tuition status to anyone who has been given resident tuition status under section A.

B. Domiciliary Evidence of Resident Status

1. The sojourn in this state of a student from another state for the primary purpose of attending school is not residence, for the purpose of this Governing Rule, and it is presumed that a non-resident at the time of his or her enrollment continues in that classification throughout his or her presence as a student except where it can be proved that his or her previous residence has been abandoned and a new one established in Minnesota independently of the university and his or her attendance thereat.

2. Any minor student (i.e., any unmarried individual under age 18 at time of registration) may claim resident tuition status if the person from whom he or she derives residence is a bona fide domiciliary of this state.

3. The following facts alone or in combination shall not be conclusive in determination of residence: employment by the university in any position normally filled by students, voting

or registration for voting, ownership of real property, the lease of living quarters, payment of local and state taxes, driver's license or automobile registration, evidence of intention to acquire a residence in this state, or continued presence in Minnesota during academic vacation periods.

C. Change of Status

Any student having been initially classified a non-resident and having decided that he or she has become a resident, may initiate action to effect a change by filing with the university-designated office a petition which shall include a statement of the facts on which the student bases his or her belief, together with supporting affidavits or documentary evidence. Each university shall provide for the review of these petitions.

D. Correction of Erroneous Classification

1. If any student who has claimed resident tuition status and been subsequently classified as a non-resident, shall be determined to have been erroneously so classified, he or she shall be reclassified as a resident student and shall be refunded the amount of additional tuition incorrectly charged.

2. Any student determined to have erroneously claimed resident tuition status, shall be reclassified as a non-resident student, and if the cause of the incorrect classification shall be found to be due to any material concealment of facts or false statement made by the student at or before the time of classification, the student shall be required to pay all tuition fees which would have been charged under the correct classification.

E. No student who paid tuition as a resident in the most recent academic year quarter prior to adoption of this rule shall be reclassified as a non-resident without a hearing before a university-designated official or committee.

Copy

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

SUB-77-001-PE

AFFIDAVIT OF SERVICE

SUSAN WOJCIK, being first duly sworn, deposes and says that on the 10th day of August 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice to Interested Persons

unstamped, by placing in the designated tray to be collected by messenger for delivery to the central mailing station as required by Minn. Stat., § 10.54 (1974), a true and correct copy thereof on all persons at the addresses shown on the Hearing Register who indicated thereon that they wished to be notified when the Examiner's Report was submitted to the Agency.

Susan Wojcik

Subscribed and sworn to before me
this 10th day of August, 1977.

Sandra A. Haven

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 29, 1983

Copy

STATE OF MINNESOTA

OFFICE OF HEARING EXAMINERS
ROOM 300 – 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

August 10, 1977

TO ALL INTERESTED PARTIES:

RE: In the Matter of the Proposed Adoption of Rules of the State University Board Governing Purpose, Admissions Policies, Equal Opportunity, and Criteria for Resident and Non-Resident Tuition Status.
Docket No. SUB-77-001-PE

The Report of the Hearing Examiner in the above-entitled matter has been submitted to the State University Board. Please note that the Report is a recommendation only and that the Board may accept, modify or reject any part or it. However, the Board may not take any final action on the proposed rule until at least ten days have expired. During that time, the Board and the Office of Hearing Examiners will make a copy of the Report available for review by any interested individual. Copies will be furnished by the Office of Hearing Examiners for $.55 each. Please use the order form on the reverse side.

A copy of the Report has also been filed with the Legislative Reference Library.

Yours very truly,

Susan K. Derus

SUSAN K. DERUS
Administrative Assistant

SKD/eag
Enc.1

AN EQUAL OPPORTUNITY EMPLOYER

TO: Office of Hearing Examiners
Room 300
1745 University Avenue
St. Paul, Minnesota - 55104

Please send me _____ copy(ies) of the Report of the Hearing Examiner in Docket No. SUB-77-001-PE . I have enclosed a check in the amount of $_____ made payable to: State Treasurer - Hearing Examiners' account.

_____ (name)

_____ (address)

_____ (city)

(Please type or print the above information clearly.)

NAME PLEASE PRINT CLEARLY	ADDRESS STREET NUMBER, CITY & ZIP	TELEPHONE	REPRESENTING	CHECK HERE IF YOU WISH TO BE NOTIFIED WHEN EXAMINER'S FINDINGS ARE SUBMITTED TO AGENCY (YOUR NAME AND ADDRESS MUST BE LEGIBLE!!)
MARTHA O. NELSON	P.O. BOX 554 VIRGINIA MN 55792	218-749-5614	MINNESOTA STATE DIVISION, AMERICAN ASSOC. OF UNIVERSITY WOMEN	✓