

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Notice also went to this SUB Mailing list
S.U. Board Ex. 8

A LIST

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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

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~~Dale Connelly~~, Education Reporter
KSJN Radio
400 Sibley
St. Paul, Minnesota 55101

A LIST (continued)

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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

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Minneapolis, Minnesota 55415

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Minneapolis, Minnesota

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

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St. Paul, Minnesota 55155

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Community College Board
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St. Paul, Minnesota 55101

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Senate Research Department
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Marilyn Thompson
216 State Office Building
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B1 LIST

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

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KBUN
Bemidji, Minnesota 56601

KCLD Radio
News Room
St. Cloud, Minnesota 56301

City Desk
Mankato Free Press
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News Room
Winona, Minnesota 55987

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Bemidji Daily Pioneer
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Bemidji, Minnesota 56601

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City Desk
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KCCM FM
Minnesota Educational Radio
Concordia College
Moorhead, Minnesota 56560
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Craig Wilkins
St. Cloud Times
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KQAL
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E LIST

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Mankato State University
Mankato, Minnesota 56001

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Moorhead State University
Moorhead, Minnesota 56560

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St. Cloud State University
St. Cloud, Minnesota 56301

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I LIST

OUTSTATE NEWSPAPERS

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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

Editor
Brainerd Dispatch
Brainerd, Minnesota 56401

Editor
International Falls Daily Journal
International Falls, Minnesota 56649

Editor
East Grand Forks Record
East Grand Forks, Minnesota 56721

Editor
Owatonna Daily People's Press
Owatonna, Minnesota 55060

Editor
Stillwater Evening Gazette
Stillwater, Minnesota 55082

Editor
Virginia Messabi Daily News
Virginia, Minnesota 55792

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Duluth News Tribune
Northwest Publications, Inc.
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Duluth, Minnesota 55801

Editor
Austin Daily Herald
Austin, Minnesota 55912

Editor
Fairmont Daily Sentinel
Fairmont, Minnesota 56073

Editor
Little Falls Daily Transcript
Little Falls, Minnesota 56345

Editor
Fergus Falls Journal
Fergus Falls, Minnesota 56537

Editor
Crookston Daily Times
Crookston, Minnesota 56716

Editor
Montevideo American News
Montevideo, Minnesota 56265

Editor
New Ulm Daily Journal
New Ulm, Minnesota 56073

K LIST

1-13-77

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Reverend Stephen Knudson
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Mr. Steven Goldberg
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PRESIDENT : Mr. Pat Leary

VICE PRESIDENT : Mr. James Becker

SECRETARY : Mr. Allen Carriere

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Willmar, Minnesota 56120

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Judy Hamilton
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O LIST

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Mr. Norman Decker
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O LIST

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Southwest State University
Marshall, Minnesota 56258

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

Board Ex. 3

STATE OF MINNESOTA
STATE UNIVERSITY SYSTEM

RECEIVED
DEC 30 1977
OFFICE OF HEARING
EXAMINERS

IN THE MATTER OF THE PROPOSED REPEAL OF RULES OF THE MINNESOTA STATE UNIVERSITY BOARD NUMBERED SCB 101 - 1099 WHICH ARE NOT PROPERLY DESIGNATED AS RULES AND WHICH ARE INCONSISTENT WITH SYSTEM POLICIES AND PROCEDURES

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Room D, Veterans Services Building, 20 W. 12th Street and Columbus Avenue, St. Paul, Minnesota on Tuesday, January 24, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to participate.

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. George A. Beck, Room 300, Hearing Examiners Office, 1745 University Avenue, St. Paul, Minnesota 55104, 612-296-8118 either before 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.

The proposed repeal, if adopted, would rescind those Rules which are not properly designated as "Rules" and which are inconsistent with revised internal system policies and procedures. A copy of those rules to be repealed is attached and additional copies 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 repeal is contained in Minnesota

Statutes, Chapter 136, as amended, particularly Sections 136.12 and 136.14. A "statement of need" explaining why the agency feels the proposed repeal is necessary and a "statement of evidence" outlining the testimony it will be introducing will be filed with the Hearing Examiners Office at least twenty-five (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 (5) 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 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, 40 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

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

Date: 11-18-77

Board Ex. 4

RECEIVED
DEC 30 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED REPEAL OF RULES OF THE MINNESOTA STATE UNIVERSITY BOARD NUMBERED SCB 101 - 1099 WHICH ARE NOT PROPERLY DESIGNATED AS RULES AND WHICH ARE INCONSISTENT WITH SYSTEM POLICIES AND PROCEDURES

CERTIFICATE OF DELIVERY
SECRETARY
OF STATE LIST

I hereby certify that the attached 484 Labels 1 Sheet sheets constitute the complete list of persons, associations, and other interested groups who as of 3:30 o'clock P M., this 19th day of December, 1977, have requested pursuant to M.S. 1976, 15.0413, 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 Cheri L. Mattson

Board Ex. 5

RECEIVED
DEC 30 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED REPEAL OF RULES OF THE MINNESOTA STATE UNIVERSITY BOARD NUMBERED SCB 101 - 1099 WHICH ARE NOT PROPERLY DESIGNATED AS RULES AND WHICH ARE INCONSISTENT WITH SYSTEM POLICIES AND PROCEDURES

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Pat Kane, being duly sworn on oath deposes and says:

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

2) That on the 19th day of December, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules to M.S. 15.0412.

3) That on the 19th day of December, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Pat Kane

Subscribed and sworn to before me this 19th day of December, 1977.

Notary Public,

Ramsey County, Minnesota

My Commission expires Sept. 14, 1982

JUDITH A. MORGAN
RAMSEY COUNTY
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES SEPT. 14, 1982

Board Ex. 6

RECEIVED
DEC 30 1977
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED REPEAL
OF RULES OF THE MINNESOTA STATE
UNIVERSITY BOARD NUMBERED SCB 101 - 1099
WHICH ARE NOT PROPERLY DESIGNATED AS
RULES AND WHICH ARE INCONSISTENT WITH
SYSTEM POLICIES AND PROCEDURES

AFFIDAVIT OF MAILING

Pat Kane, being first duly sworn, deposes and says:

That on the 22nd day of December, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, he 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.

Pat Kane

Subscribed and sworn to before me this
22nd day of December, 1977.

Judith A. Morgan

JUDITH A. MORGAN
RAMSEY COUNTY
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES SEPT. 14, 1982

Board Ex. 7

STATE OF MINNESOTA
STATE UNIVERSITY SYSTEM

RECEIVED
DEC 30 1977
OFFICE OF HEARING
EXAMINERS

IN THE MATTER OF THE PROPOSED REPEAL
OF RULES OF THE MINNESOTA STATE
UNIVERSITY BOARD NUMBERED SCB 101 - 1099
WHICH ARE NOT PROPERLY DESIGNATED AS
RULES AND WHICH ARE INCONSISTENT WITH
SYSTEM POLICIES AND PROCEDURES

STATEMENT OF NEED

The above captioned rules are not amendments to existing rules of the State University Board. The last time the above captioned rules were amended was 1976 at which time modifications were made to make the Governing Rules consistent with collective bargaining agreements entered into pursuant to Minn. Stat. 179.61 to 179.77.

The State University System recently completed a major rules revision process. As a result of this rules revision process, it was determined that the existing Governing Rules are improperly designated as "Rules" and are inconsistent with revised internal system policies and procedures.

The definitions in Chapter One are inappropriate as Governing Rules since they pertain to the internal management of the System and do not directly affect the rights of or procedure available to the public.

Additionally, references are made to Minnesota Statutes which indicate that some of these rules are covered by Statutes and are, therefore, inappropriate as agency governing rules.

Chapter Two contains rules which recognize rights and responsibilities otherwise available to individuals. Therefore, these rules are inappropriately designated as Chapter 15 Rules. Additionally, some of the rules in Chapter Two are superseded by state and federal law and Hearing Examiner Rules. Specifically, SCB 207 is superseded by the Data Privacy Act (Minn. Stat. 15.162 et seq.) and by the Family Education Rights and Privacy Act

(20 USCA 1232 g.). Another example is SCB 209 which is superseded by Chapter 15 and Hearing Examiners Rules.

Chapter Three which sets out the membership, duties and responsibilities of the State University Board is established by Statute. Additionally, this Chapter relates to the Board's internal management of the System and does not directly affect the rights of or procedure available to the public, and is, therefore, improperly designated as a Chapter 15 Rule.

Chapter Four relates to the Chancellor and the administration of the System and is an internal management function of the Board and does not directly affect the rights of or procedure available to the public. Therefore, the content of that Chapter should not be designated as a Chapter 15 Rule. Additionally, portions of this Chapter are inconsistent with Minnesota Statutes. Specifically, SCB 404 (b) is inconsistent with Minn. Stat. 15.06 in that the latter no longer governs the State University Board.

Chapter Five relating to the university constitutions and principles of governance is improperly designated as a Governing Rule since it relates to the internal management of the Board and does not directly affect the rights of or procedure available to the public. In addition, portions of this Chapter are inconsistent with existing collective bargaining agreements and others are governed by Minnesota Statutes. For example, SCB 502 (e) is subject to the provisions of Minn. Stat. Chapter 43.

Chapter Six relating to the Presidents and their administrations is an internal management function of the Board and does not directly affect the rights of or procedure available to the public. Therefore the content of that Chapter should not be designated as a Chapter 15 Rule.

Additionally, portions of this Chapter are inconsistent with Minnesota Statutes. Specifically, SCB 602 (h) is inconsistent with Minn. Stat. 15.06 in that the latter no longer governs the State University Board.

Chapter Eight relating to college governance is improperly designated as a Governing Rule since governance relates to the internal management of the System and does not directly affect the rights of or procedure available to the public.

Chapter Nine relating to Professional Support Personnel is improperly designated as a Governing Rule since these employees are covered in Minn. Stat., Chapter 43. The college governance aspect of Chapter Nine relates to the internal management of the System and does not directly affect the rights of or procedure available to the public.

Chapter Ten regarding activity funds is improperly designated as a Rule since the authority for such funds is covered by Minnesota Statutes. A number of rules in this Chapter contain direct quotations from Minnesota Statutes and are therefore inappropriate as Chapter 15 Rules. For example, SCB 1002 (a) and 1003 (a) are direct quotations entirely. SCB 1003 (d) contains no less than three references to statutes and SCB 1005, 1006, 1012 and 1013 all contain at least one reference.

Authority for repeal of the above captioned rules is found in Minn. Stat. 136.12 and 136.14 (1976).

State University System

By Garry D. Hays
Garry D. Hays
Chancellor

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

SUB-78-001-NG

AFFIDAVIT OF SERVICE

SUSAN WOJCIK, being first duly sworn, deposes and says that on the 7th day of February 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Report of Hearing Examiner

unstamped, by placing in the designated tray to be collected by messenger for delivery to the central mailing station as required by Minn. Stat., § 16.54 (1974), a true and correct copy thereof on all persons at the addresses shown on the attached mailing list.

Susan Wojcik

Subscribed and sworn to before me
this 7th day of February, 1978.

Sandra A. Haven

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 20, 1983

Mr. Charles Mottl
Special Assistant Attorney General
Office of the Attorney General
303 Capitol Square Building
Saint Paul, Minnesota 55101

STATE OF MINNESOTA
STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED REPEAL
OF RULES OF THE MINNESOTA STATE
UNIVERSITY BOARD NUMBERED SCB 101 - 1099
WHICH ARE NOT PROPERLY DESIGNATED AS
RULES AND WHICH ARE INCONSISTENT WITH
SYSTEM POLICIES AND PROCEDURES.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned repeal be held in Room D, Veterans Services Building, 20 W. 12th Street and Columbus Avenue, St. Paul, Minnesota 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, Chancellor

Date: 11-[illegible]-77

STATE OF MINNESOTA
STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED REPEAL
OF RULES OF THE MINNESOTA STATE
UNIVERSITY BOARD NUMBERED SCB 101 - 1099
WHICH ARE NOT PROPERLY DESIGNATED AS
RULES AND WHICH ARE INCONSISTENT WITH
SYSTEM POLICIES AND PROCEDURES

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Room D, Veterans Services Building, 20 W. 12th Street and Columbus Avenue, St. Paul, Minnesota on Tuesday, January 24, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to participate.

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 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.

The proposed repeal, if adopted, would rescind those Rules which are not properly designated as "Rules" and which are inconsistent with revised internal system policies and procedures. A copy of those rules to be repealed is attached and additional copies 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 repeal is contained in Minnesota

Statutes, Chapter 136, as amended. A "statement of need" explaining why the agency feels the proposed repeal is necessary and a "statement of evidence" outlining the testimony it will be introducing will be filed with the Hearing Examiners Office at least twenty-five (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 (5) 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 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, 40 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

/s/ _____
Garry D. Hays, Chancellor

Date: _____

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Kennon V. Rothchild, 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 15th day of November, 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 repealing those State University Board rules which are amended, superceded, or repealed as a result of a general rules revision, including those listed on Exhibit A which is attached hereto, 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 by name this 15th day of November, 1977.

Kennon V. Rothchild
President, State University Board

Attest by one other officer

EXHIBIT A

Minnesota State Regulations of the Minnesota State College Board 1971 as amended in 1974 and 1976 to be repealed include:

SCB 101 - 199

SCB 201 - 299

SCB 301 - 399

SCB 401 - 499

SCB 501 - 599

SCB 601 - 699

SCB 701 - 799

SCB 801 - 899

SCB 901 - 999

SCB 1001 - 1099

OFFICE OF HEARING EXAMINERS

RULES HEARING AGENDA, GUIDELINES, AND LOBBYIST REQUIREMENTS

The purpose of this hearing is to consider whether the proposed rules should be adopted and given the force of law. The agency must document its statutory authority to take the proposed action, show that it has fulfilled all relevant, substantive and procedural requirements of law or rule and demonstrate the need for and reasonableness of its proposed rules with an affirmative presentation of facts. After the hearing, the Hearing Examiner will submit his Findings of Fact, Conclusions and Recommendations to the agency. After waiting at least five days, the agency will decide whether to adopt, modify or withdraw the proposed rules. During that time, the Examiner's Report will be available to interested persons. If you desire to be notified when the Report is available, please write your name and address on an envelope at the registration desk.

AGENDA

1. Explanation of procedure by the Hearing Examiner

2. Introduction of agency panel

3. Introduction of jurisdictional and procedural documents

4. Presentation by agency

5. Questions and statements from interested persons

If any person is inconvenienced by this agenda, the Hearing Examiner will consider suspending it to accommodate special circumstances.

GUIDELINES

1. Everyone attending the hearing is requested to sign the register. If you wish to address the hearing, you must sign the register.

2. Everyone wishing to express his or her views will have an opportunity to do so. When the Examiner affords you an opportunity to speak, please step to the area designated for statements, spell your name, identify your interest or firm, and speak clearly.

   a. Only one person at a time may address the hearing.
   b. All statements must be verbalized - a nod cannot be recorded.
   c. Technical terms and proper names should be spelled.

3. All persons testifying may be questioned by representatives of the agency and the Examiner. Non-agency persons may consent to questioning by other non-agency persons.

4. Anyone who desires to submit written comments may do so at this hearing or within five working days of the close of the hearing unless the Hearing Examiner, during the hearing, extends the period for receipt of comments to 20 calendar days. Such material should be submitted to:

Office of Hearing Examiners
1745 University Avenue, Room 300
Saint Paul, Minnesota 55104

The materials must be RECEIVED within five days to be considered.

5. Lobbyists are required to register with the Ethical Practices Board. See the requirements on the back of this sheet.

LOBBYING REQUIREMENTS
FOR
HEARING ON RULES,
RATE SETTING AND POWER PLANT SITING

An individual appearing at a rules hearing, rate setting or power plant siting hearing is a lobbyist if he or she meets the following criteria:

(a) Is engaged for pay or other consideration, or authorization by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including travel expenses and membership dues, in any year for the purpose of attempting to influence legislative action or rulemaking, rate setting or power plant siting decisions by communicating or urging others to communicate with public officials; or

(b) spends more than $250.00, not including traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative action or rulemaking, rate setting or power plant siting decisions by communicating or urging others to communicate with public officials;

"Communicating with public officials" includes, but is not limited to testifying at contested case rate setting and power plant siting hearings and rulemaking hearings where the public officials' decisions will be based on the hearing record.

. . .

The following individuals are not lobbyists even if they meet the above criteria:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) News media or their employees or agents acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action;

(c) Paid expert witness whose testimony is requested either by the body before which he is appearing or one of the parties to a proceeding, but only to the extent of preparing or delivering testimony; or

(d) Stockholder of a family farm corporation as defined in Section 500.24, Subdivision 1, who does not spend over $250.00, excluding travel expenses, in any year in communicating with public officials.

An individual who meets the criteria of the lobbyist definition shall register with the Ethical Practices Board within five days of becoming a lobbyist.

Lobbyist registration forms may be obtained by writing the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, or telephoning (612) 296-5615. Please contact the Board if you have any questions concerning lobbying registration and reporting requirements.

Board Ex. 1

state university system
office of the chancellor

RECEIVED
DEC 30 1977
OFFICE OF HEARING EXAMINERS

PHONE 612/296-2844

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

December 30, 1977

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

Hearing Examiner Docket No.
SUB 78-001-GB

Re: In the Matter of the Proposed Repeal of Rules of the Minnesota State University Board Numbered SCB 101 - 1099 Which Are Not Properly Designated as Rules and Which Are Inconsistent With System Policies and Procedures.

Dear Mr. Beck:

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 Receipt of the Secretary of State's List, 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. Emily Hannah, Vice Chancellor for Academic Affairs, State University System, will represent the agency at the Hearing.

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:sbk

Enclosures

Board Ex. 2

RECEIVED
DEC 30 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE PROPOSED REPEAL OF RULES OF THE MINNESOTA STATE UNIVERSITY BOARD NUMBERED SCB 101 - 1099 WHICH ARE NOT PROPERLY DESIGNATED AS RULES AND WHICH ARE INCONSISTENT WITH SYSTEM POLICIES AND PROCEDURES.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned repeal be held in Room D, Veterans Services Building, 20 W. 12th Street and Columbus Avenue, St. Paul, Minnesota 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
Garry D. Hays, Chancellor

Date: 11-18-77

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE UNIVERSITY BOARD

In the Matter of the Proposed Repeal of Rules of the Minnesota State University Board Numbered SCB 101 - 1099 which are not properly designated as rules and which are inconsistent with system policies and procedures.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Natalie L. Gaull, duly appointed Hearing Examiner, on January 24, 1978, in Room D, Veterans Services Building, Saint Paul, Minnesota at 9:00 a.m.

This is a rules hearing pursuant to Minn. Stat. ch. 15 to determine whether the rules captioned above should be repealed.

Appearing for the State University Board were Dr. Mary Emily Hannah, Vice Chancellor for Academic Affairs, State University System; Robert A. Hanson, President of Winona State University; and Charles Mottl, Special Assistant Attorney General. Although notice of the hearing was sent to all persons on the Secretary of State's list, as well as to those persons and associations as indicated on Board Exhibit 8, there were no members of the public present at the hearing.

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

The Board shall, if it proposes to repeal the rules as was originally proposed, 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 clearly indicate any changes made to the rules as originally proposed to be repealed, 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 rules and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing notice of the repeal of the rules with the Attorney General and for notifying persons who have indicated that they wish to be informed of such filing.

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

FINDINGS OF FACT

1. On November 18, 1977, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the Rules which it proposes to repeal;
(b) The Certificate of the Board's authorizing resolution;
(c) A proposed Notice of Hearing; and
(d) A statement of the estimated length of the hearing and estimated number of people attending the hearing.

2. On December 22, 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 purposes of receiving such notice and to all persons and associations whose names appear on Board Exhibit 8.

3. On December 19, 1977, a Notice of Hearing and a copy of the rules to be repealed were published at 2 State Register 1201.

4. On December 30, 1977, the Board filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Mailing;
(d) The Affidavit of Receipt of Secretary of State's mailing list;
(e) The Secretary of State's Certificate;
(f) The Statement of Need; and
(g) The names of Board personnel who will represent the agency.

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

6. The record remained open through January 31, 1978, for the receipt of written comments and statements.

STATUTORY AUTHORITY, NEED AND REASONABLENESS

7. The Examiner adopts the Board's Statement of Need as her Findings demonstrating the Board's authority to repeal the rules proposed for repeal, and the need for and reasonableness of repealing those rules. The Statement is attached. The Statement was filed 25 days prior to the hearing; copies of it were available at the hearing, and it was incorporated into the record at the hearing. There was no objection to the proposed repeal of the rules or of the justification given for their repeal.

CONCLUSIONS

1. Due, timely, and adequate notice of the hearing was properly served and published by the Board. All other substantive and procedural requirements have been fulfilled.

2. The Board has demonstrated its statutory authority to repeal these rules.

3. The Board has demonstrated the need for and reasonableness of repealing the rules by an affirmative presentation of facts.

RECOMMENDATION

The Hearing Examiner recommends that the rules be repealed.

Dated: February 7, 1978.

Natalie L. Gaull

NATALIE L. GAULL
Hearing Examiner

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

April 4, 1978

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

Re: In the Matter of the Proposed Repeal of Rules of the Minnesota State University Board Numbered SCB 101 - 1099 which are not properly designated as rules and which are inconsistent with system policies and procedures. Docket No. SUB-78-001-NG.

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.

The enclosures consist of the following:

1. Report of the Chief Hearing Examiner;
2. Findings and Order Repealing Rules;
3. Report of Hearing Examiner, with affidavit of mailing;
4. List of Rules to be Repealed; proposed Order for Hearing; Proposed Notice of Hearing; Certificate of Board's Authorizing Resolution; and
5. Board's Exhibits 1 through 8.

Yours very truly,

DUANE R. HARVES
Chief Hearing Examiner

DRH:sw
Encs.

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE UNIVERSITY BOARD

In the Matter of the Proposed Repeal of Rules of the Minnesota State University Board Numbered SCB 101 - 1099 which are not properly designated as rules and which are inconsistent with system policies and procedures.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on January 24, 1978, before Natalie L. Gaull, 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 February 7, 1978; 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: April 4, 1978.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

STATE UNIVERSITY SYSTEM

IN THE MATTER OF THE REPEAL OF RULES OF THE MINNESOTA STATE UNIVERSITY BOARD NUMBERED SCB 101-1099 WHICH ARE NOT PROPERLY DESIGNATED AS RULES AND WHICH ARE INCONSISTENT WITH SYSTEM POLICIES AND PROCEDURES

FINDINGS AND ORDER REPEALING RULES

The above entitled matter came on for hearing before Natalie L. Gaull, Hearing Examiner of the Officer of Hearing Examiner of the State of Minnesota on the 24th day of January, 1978, at 9:00 a.m. in Room D, Veterans Services Building, 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 for the required period of time after receipt of the Hearing Examiner's Findings and having confirmed the need to repeal the above captioned rules

NOW, THEREFORE, BE IT RESOLVED, that the State University Board hereby adopts and incorporates herein the Findings of Fact, Conclusions and Recommendations of Natalie L. Gaull, Hearing Examiner, dated February 7, 1978, relative to the above entitled matters and

THEREFORE, IT IS ORDERED that the proposal to repeal these Rules attached hereto and identified as SCB 101-1099 is adopted this 28th day of March, 1978, pursuant to authority vested in us by Minn. Stat., Chapter 136.

By Kenneth V. McRae

President, State University Board

CERTIFICATION

I, Howard B. Casmey, do hereby certify that I am the Secretary of the State University Board, a Board 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 twenty-eighth day of March, 1978, 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 twenty-eighth day of March, 1978.

Secretary, State University Board

Attest by one other Board Member

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE UNIVERSITY BOARD

In the Matter of the Proposed Repeal of Rules of the Minnesota State University Board Numbered SCB 101 - 1099 which are not properly designated as rules and which are inconsistent with system policies and procedures.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Natalie L. Gaull, duly appointed Hearing Examiner, on January 24, 1978, in Room D, Veterans Services Building, Saint Paul, Minnesota at 9:00 a.m.

This is a rules hearing pursuant to Minn. Stat. ch. 15 to determine whether the rules captioned above should be repealed.

Appearing for the State University Board were Dr. Mary Emily Hannah, Vice Chancellor for Academic Affairs, State University System; Robert A. Hanson, President of Winona State University; and Charles Mottl, Special Assistant Attorney General. Although notice of the hearing was sent to all persons on the Secretary of State's list, as well as to those persons and associations as indicated on Board Exhibit 8, there were no members of the public present at the hearing.

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

The Board shall, if it proposes to repeal the rules as was originally proposed, 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 clearly indicate any changes made to the rules as originally proposed to be repealed, 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 rules and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing notice of the repeal of the rules with the Attorney General and for notifying persons who have indicated that they wish to be informed of such filing.

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

FINDINGS OF FACT

1. On November 18, 1977, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the Rules which it proposes to repeal;
(b) The Certificate of the Board's authorizing resolution;
(c) A proposed Notice of Hearing; and
(d) A statement of the estimated length of the hearing and estimated number of people attending the hearing.

2. On December 22, 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 purposes of receiving such notice and to all persons and associations whose names appear on Board Exhibit 8.

3. On December 19, 1977, a Notice of Hearing and a copy of the rules to be repealed were published at 2 State Register 1201.

4. On December 30, 1977, the Board filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Mailing;
(d) The Affidavit of Receipt of Secretary of State's mailing list;
(e) The Secretary of State's Certificate;
(f) The Statement of Need; and
(g) The names of Board personnel who will represent the agency.

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

6. The record remained open through January 31, 1978, for the receipt of written comments and statements.

STATUTORY AUTHORITY, NEED AND REASONABLENESS

7. The Examiner adopts the Board's Statement of Need as her Findings demonstrating the Board's authority to repeal the rules proposed for repeal, and the need for and reasonableness of repealing those rules. The Statement is attached. The Statement was filed 25 days prior to the hearing; copies of it were available at the hearing, and it was incorporated into the record at the hearing. There was no objection to the proposed repeal of the rules or of the justification given for their repeal.

CONCLUSIONS

1. Due, timely, and adequate notice of the hearing was properly served and published by the Board. All other substantive and procedural requirements have been fulfilled.

2. The Board has demonstrated its statutory authority to repeal these rules.

3. The Board has demonstrated the need for and reasonableness of repealing the rules by an affirmative presentation of facts.

RECOMMENDATION

The Hearing Examiner recommends that the rules be repealed.

Dated: February 7, 1978.

Natalie L. Gaull

NATALIE L. GAULL
Hearing Examiner

SUB-76-001-GB

RECEIVED
MAY 23 1978
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

RECEIVED
JUL 26 1976
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE UNIVERSITY BOARD

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

FINDINGS OF FACT
CONCLUSIONS AND
RECOMMENDATION

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

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

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

FINDINGS OF FACT

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

a. The resolution authorizing rulemaking (Ex I)

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

c. Order for Hearing (Ex III)

d. Notice of Hearing (Ex IV)

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

f. Affidavit of Secretary of State (Ex VI)

g. Affidavit of Mailing (Ex VII)

h. Supplementary Mailing List (Ex VIII)

i. Statement of Need (Ex IX)

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

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

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

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

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

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

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

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

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

CONCLUSIONS

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

2. That the State University Board properly documented its

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

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

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

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

RECOMMENDATION

That the proposed rule amendments and repeals be adopted.

Dated: June 24, 1976.

GEORGE A. BECK
Hearing Examiner

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

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

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

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

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

Exhibits A & B

203 DEFINITIONS OF PARTIES

A. Individual

The term "individual" refers to a student, a faculty member, an administrative service faculty member, a professional support personnel staff member, or an administrative officer of any of the universities; an employee in the Office of the Chancellor; or a member of the State University Board. A student is any individual enrolled in a course for credit or audit at the state university.

B. The State University System

The terms "State University System" and "System" and "SUS" refer to all components of the System collectively. The three components of the System are the State University Board, the Chancellor and other employees in the Office of the Chancellor, and the State Universities.

C. University and University Community

The terms "University" and "University Community" refer to all components of the University collectively: the President and other administrative officers, the faculty, the administrative service faculty, the students, and the professional support personnel. In accordance with Internal Rules and with the Public Employment Labor Relations Act as amended, the President shall designate to which component each university employee belongs.

Exhibit C

Ex. C > 2. Academic Evaluation

Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. Students in turn are responsible for maintaining acceptable standards of academic performance for each course in which they are enrolled.

3. Learning Environment

The University shall seek to prevent unlawful harrassment by those who would intimidate, interfere with or disrupt classes and other authorized activities.

4. Recognition of Student Organizations

Organizations seeking University recognition shall submit to the principal agency for student participation in university policy development and student governance a statement of purpose, criteria of membership, and a current list of officers. The principal agency shall recommend approval or disapproval to the President or his/her designee. Recognized student organizations shall have access to university facilities, in accordance with institutional policies.

5. Guest Speakers

Recognized student organizations may sponsor speakers and events provided there is timely notice, orderly scheduling of facilities, adequate financial planning, and physical preparation in accordance with established university procedures. Such procedures shall not be used as a means of censorship. The President or his/her designee may cancel such an event when holding of the event, in his or her judgment, would result in physical harm to persons or property.

6. Evaluation of Faculty

Prior to developing or implementing procedures or criteria for evaluation of faculty, the President and/or his/her designee(s) shall meet and discuss the role of students in faculty evaluation with the principal agency for student participation in university policy development and student governance.

7. Student Funded Media

Student funded media shall not be subject to prior censorship nor shall the allocation process be used as a means of editorial control. Student media editors and managers shall not be suspended or removed from their positions during the term of their office except for substantial and compelling reasons and by orderly and prescribed procedures. Such individuals shall adhere to all laws relative to the media and to professional journalistic standards.

Exhibit D

INTERNAL RULE

Rights and Responsibilities

301 BASIC RIGHTS AND RESPONSIBILITIES

A. Respect for Constitutional Rights

In their relations with the State University System individuals, as defined in IR 203.A, have the same legal duties and obligations as other persons and enjoy the same freedoms of speech, press, religion, peaceful assembly, and petition that other persons enjoy. In all of their dealings with these individuals, therefore, the System and the universities shall respect the rights guaranteed them by the Constitution and laws of the United States and of the State of Minnesota. Nothing in the Governing Rules or Internal Rules shall be construed to preclude the rights of the individual to petition the Board for redress of grievance.

B. Fair Procedures for the Imposition of Sanctions

1. Exclusion of Classified Civil Service Staff

No provision of this Internal Rule shall take precedence over regulations in relation to imposition of sanctions as set forth by the State Department of Personnel.

2. Due Process

The president of each university shall guarantee, through university regulations, protection of due process rights of all individuals in the university community.

3. Notification of Rights

Before instituting formal procedures against individuals charged with violation of any regulation recognized in Internal Rule 101, University or System officials shall inform such individuals of their rights.

4. Types of Formal Sanctions

Formal sanctions imposed for violation of any regulation recognized in Internal Rule 201 must bear a reasonable relationship to the violation, and may include dismissal, expulsion, suspension, censure, or disciplinary or academic probation.

5. Removal from Campus

Pending action on charges of violating any regulations recognized in Internal Rule 201, the right to be present on the campus and to attend classes or to fulfill other official duties may be suspended for reasons relating to protection of individuals or property.

Exhibit E

8. Academic Information to be Provided to Students

Insofar as possible, prior to enrollment, students will be provided with relevant information regarding courses. Catalog descriptions will be accurate and current based upon information existing at the time of publication. Class schedules will insofar as possible contain faculty names.

9. Property Rights

Term papers, essays, projects, works of art, and similar property shall be returned to the student upon request when no longer needed for evaluation purposes unless the student grants written permission for them to be retained.

10. Consultation Relative to the Selection of a Chancellor or Presidents

Students shall be incorporated in the process of selecting a State University System Chancellor or President.

11. Sanctions

Students who violate state laws or university or system regulations, who infringe upon the rights of others, or who practice academic dishonesty such as cheating or plagiarism, shall, after due process, be subject to university sanctions which may include probation, suspension, eviction, and expulsion. Violations of other than University regulations are also subject to sanctions external to the university. Notwithstanding any provision herein, the University may suspend, expel or evict any student whose presence poses a threat to persons or property.

Exhibit F

INTERNAL RULE

Rights and Responsibilities

301 BASIC RIGHTS AND RESPONSIBILITIES

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In their relations with the State University System individuals, as defined in IR 203.A, have the same legal duties and obligations as other persons and enjoy the same freedoms of speech, press, religion, peaceful assembly, and petition that other persons enjoy. In all of their dealings with these individuals, therefore, the System and the universities shall respect the rights guaranteed them by the Constitution and laws of the United States and of the State of Minnesota. Nothing in the Governing Rules or Internal Rules shall be construed to preclude the rights of the individual to petition the Board for redress of grievance.

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5. Removal from Campus

Pending action on charges of violating any regulations recognized in Internal Rule 201, the right to be present on the campus and to attend classes or to fulfill other official duties may be suspended for reasons relating to protection of individuals or property.

Board Ex. 7

STATE OF MINNESOTA
STATE UNIVERSITY SYSTEM

RECEIVED
DEC 30 1977
OFFICE OF HEARING
EXAMINERS

IN THE MATTER OF THE PROPOSED REPEAL
OF RULES OF THE MINNESOTA STATE
UNIVERSITY BOARD NUMBERED SCB 101 - 1099
WHICH ARE NOT PROPERLY DESIGNATED AS
RULES AND WHICH ARE INCONSISTENT WITH
SYSTEM POLICIES AND PROCEDURES

STATEMENT OF NEED

The above captioned rules are not amendments to existing rules of the State University Board. The last time the above captioned rules were amended was 1976 at which time modifications were made to make the Governing Rules consistent with collective bargaining agreements entered into pursuant to Minn. Stat. 179.61 to 179.77.

The State University System recently completed a major rules revision process. As a result of this rules revision process, it was determined that the existing Governing Rules are improperly designated as "Rules" and are inconsistent with revised internal system policies and procedures.

The definitions in Chapter One are inappropriate as Governing Rules since they pertain to the internal management of the System and do not directly affect the rights of or procedure available to the public.

Additionally, references are made to Minnesota Statutes which indicate that some of these rules are covered by Statutes and are, therefore, inappropriate as agency governing rules.

Chapter Two contains rules which recognize rights and responsibilities otherwise available to individuals. Therefore, these rules are inappropriately designated as Chapter 15 Rules. Additionally, some of the rules in Chapter Two are superseded by state and federal law and Hearing Examiner Rules. Specifically, SCB 207 is superseded by the Data Privacy Act (Minn. Stat. 15.162 et seq.) and by the Family Education Rights and Privacy Act

(20 USCA 1232 g.). Another example is SCB 209 which is superseded by Chapter 15 and Hearing Examiners Rules.

Chapter Three which sets out the membership, duties and responsibilities of the State University Board is established by Statute. Additionally, this Chapter relates to the Board's internal management of the System and does not directly affect the rights of or procedure available to the public, and is, therefore, improperly designated as a Chapter 15 Rule.

Chapter Four relates to the Chancellor and the administration of the System and is an internal management function of the Board and does not directly affect the rights of or procedure available to the public. Therefore, the content of that Chapter should not be designated as a Chapter 15 Rule. Additionally, portions of this Chapter are inconsistent with Minnesota Statutes. Specifically, SCB 404 (b) is inconsistent with Minn. Stat. 15.06 in that the latter no longer governs the State University Board.

Chapter Five relating to the university constitutions and principles of governance is improperly designated as a Governing Rule since it relates to the internal management of the Board and does not directly affect the rights of or procedure available to the public. In addition, portions of this Chapter are inconsistent with existing collective bargaining agreements and others are governed by Minnesota Statutes. For example, SCB 502 (e) is subject to the provisions of Minn. Stat. Chapter 43.

Chapter Six relating to the Presidents and their administrations is an internal management function of the Board and does not directly affect the rights of or procedure available to the public. Therefore the content of that Chapter should not be designated as a Chapter 15 Rule.

Additionally, portions of this Chapter are inconsistent with Minnesota Statutes. Specifically, SCB 602 (h) is inconsistent with Minn. Stat. 15.06 in that the latter no longer governs the State University Board.

Chapter Eight relating to college governance is improperly designated as a Governing Rule since governance relates to the internal management of the System and does not directly affect the rights of or procedure available to the public.

Chapter Nine relating to Professional Support Personnel is improperly designated as a Governing Rule since these employees are covered in Minn. Stat., Chapter 43. The college governance aspect of Chapter Nine relates to the internal management of the System and does not directly affect the rights of or procedure available to the public.

Chapter Ten regarding activity funds is improperly designated as a Rule since the authority for such funds is covered by Minnesota Statutes. A number of rules in this Chapter contain direct quotations from Minnesota Statutes and are therefore inappropriate as Chapter 15 Rules. For example, SCB 1002 (a) and 1003 (a) are direct quotations entirely. SCB 1003 (d) contains no less than three references to statutes and SCB 1005, 1006, 1012 and 1013 all contain at least one reference.

Authority for repeal of the above captioned rules is found in Minn. Stat. 136.12 and 136.14 (1976).

State University System

By Garry D. Hays

Garry D. Hays
Chancellor