



MINNESOTA STATE



A Guide to Supporting Safe and Inclusive Campus Climates

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Delivering on our values: the purpose of this guide

“Campus climate” has been described as a part of the institutional context that includes community members’ attitudes, perceptions, behaviors, and expectations around issues of race, ethnicity, and other diversity characteristics (Hurtado et al. 2008). “Campus culture and climate are significant factors that affect students of color achievement and activities during the collegiate experience” (Doan 2011). An unhealthy campus climate can impact students in the following ways:

- Students of color see lower degree completion relative to the overall student population, specifically White and Asian students.
- Asian and Hispanic students are at higher risk for suicidal thoughts or suicide attempts.
- Students of color experience harassment at higher rates than White students.
- Students of color perceive campus climate to be more racist and less accepting than their White peers.

Minnesota State is committed to ensuring welcoming and supportive campus environments. Inclusiveness is embraced through the Strategic Framework, in board policy, in our systemwide equity and inclusion goals, and it is an integral part of our core institutional values.

Colleges and universities throughout the system are implementing intentional strategies to ensure all students and employees experience a safe, healthy, and welcoming campus climate. Our systemwide commitment to an inclusive campus climate is evident in many of the college and university Institutional Diversity and Equity Plans where colleges and universities outlined specific goals and strategies to achieve these goals.

One way we deliver on this goal is by equipping campus leaders and employees with tools to effectively address issues of concern, bias, and discrimination. Minnesota State and each of its colleges and universities have internal resources to promote a safe and welcoming environment for students and employees. This guide includes reminders for employees about resources available from the college, university, and system office, as well as some external resources. Familiarity with the content of the resources will help campus personnel support students and colleagues, particularly given some of the current political and social realities.

REFERENCES

Doan, Jimmy (2011) “The Impact of Campus Climate and Student Involvement on Students of Color,” *The Vermont Connection*, Vol. 32, Article 4. Available at: <http://scholarworks.uvm.edu/tvc/vol32/iss1/4>

Hurtado, S., Arellano, L., Griffin, K., & Cuellar, M. (2008). Assessing the Value of Climate Assessments: Progress and Future Directions. *Journal of Diversity in Higher Education*, 1, 4th ser., 204-211.

I. Creating a welcoming environment by proactively participating in training

While some of the following training modules are mandatory for new employees, all employees are encouraged to participate in this training, either as new training or as a refresher. Contact the Human Resources Office for registration information.

- **Sexual Violence Awareness** (“Personal Empowerment through Self Awareness”)
- **Sexual Harassment Prevention:** <http://www.hr.mnscu.edu/initiative/shp2/SHP2.html>
- **Data Privacy and Security**
- **Employee Code of Conduct**
- **Search Advisory Committee Training:** This course includes a module on recognizing and eliminating implicit bias and creating a welcoming climate for applicants.

Many administrators participate in system-level training specifically geared for decision makers and investigators for complaints of discrimination or harassment based on protected class.

Finally, a reminder about one of our state employee benefits: the **Employee Assistance Program** (EAP) provides expert, confidential, personal consultation for concerns including financial and legal matters, relationship challenges, and personal and family problems. For more information, go to <https://www.mn.gov/mmb/segip/health-solutions/employees/eap/>

II. Contributing to a welcoming environment by responding to concerns and incidents

Taking timely and deliberate steps to address student and employee complaints is one way we demonstrate that we care about members of our community. While these resources are shared with students and employees during orientation, it is worthwhile to remind students and colleagues that these avenues exist for reporting concerns and incidents as they arise.

Campus Security

- Know when and how to contact the police or campus security.

Reporting incidents of discrimination or harassment based on protected class

- Specific processes apply to allegations of retaliation, or to discrimination or harassment based on sex, race, age, disability, color, creed, national origin, religion, sexual orientation, gender identity, gender expression, marital status, or status with regard to public assistance.

Reporting incidents of sexual violence

- Timely action is critical.

Student Code of Conduct (*student-specific*)

- Each college and university has a student code of conduct. The code contains a statement of student responsibilities as members of the college or university community, as well as a statement of proscribed behavior for which a student may be held accountable, including violation of local, state, and federal laws. Codes include specific policies and administrative procedures for student conduct proceedings.

Student grievance and complaint process for other concerns (*student-specific*)

- Each college and university has a process by which a student may make a written claim alleging improper, unfair, or arbitrary action by an employee involving the application of a specific provision of a college or university rule/regulation or a board policy or procedure. (This policy does not apply to those college or university rules or regulations or to board policies or procedures that include an appeal or grievance process).

Employee Code of Conduct

- The code of conduct for all system employees is set out at <http://www.mnscu.edu/board/procedure/1cOp1.html>.
- The code provides, in part, that “in striving to fulfill our system’s vision and carry out our mission, all employees of Minnesota State Colleges and Universities must meet public expectations for excellence by providing high quality education and related services, demonstrating sound stewardship of resources, acting with integrity, and displaying fair treatment and respect for all, ensuring that employment and education opportunities are inclusive and serve all the state’s diverse communities.”

Employee grievance and complaint process for other concerns

- Employees may address contract-related grievances through their designated grievance representative. Other complaints may be addressed directly to the human resources office.

III. Contributing to a welcoming environment for undocumented students, immigrant students, and international students

External Resources

These articles contain ideas for how to support educational success for undocumented youth through Deferred Action for Childhood Arrivals (DACA), as well as for immigrant and international students, generally)

Immigrant Legal Resource Center: Post-Election Talking Points and Resources

https://www.ilrc.org/sites/default/files/resources/post-election_talking_points.pdf

10 things community college educators can do to support educational success for undocumented youth through DACA

http://cccie.org/wp-content/uploads/2014/12/supporting%20daca_10%20things%20educators%20can%20do.pdf

Resource Page on DACA for international student advisors and education abroad advisors

https://www.nafsa.org/Resource_Library_Assets/Regulatory_Information/Resource_Page_On_Deferred_Action_for_Childhood_Arrivals/

Diploma, Please: Promoting educational attainment for DACA - and Potential DREAM Act-Eligible Youth

<http://www.migrationpolicy.org/research/diploma-please-promoting-educational-attainment-daca-and-potential-dream-act-eligible-youth>

State and Federal Law

Employees can support educational success for undocumented students, as well as for immigrant and international students, by understanding the applicable legal framework. Attached are answers to questions students frequently ask about privacy and immigration-related issues.

- **FAQ: Student Data Privacy**
- **FAQ: Deferred Action for Childhood Arrivals (DACA)**
- **FAQ: Immigration and Custom Enforcement**

FAQ: Student Data Privacy

1. What laws protect the privacy of a student's educational records?

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99, and the Minnesota Government Data Practices Act (MGDPA), Minn. Stat. § 13.32.

2. What is an educational record of a student?

Records maintained by the college or university that are directly related to a student. Educational records can be in any format.

3. What are common types of educational records held by Minnesota State colleges and universities?

Because the definition of educational record is broad, most information about a student maintained by a college or university is an educational record. This may include things such as a student's application for admission, records in the Integrated Student Record System (ISRS), records concerning financial aid, academic records such as class lists and grades, student housing records, conduct records, etc.

4. What is the basic responsibility of all Minnesota State employees towards student educational records?

Generally, student educational records are private. As a result, a college or university needs written permission (consent) from a student in order to release any information from a student's educational records to a person or entity outside the institution unless an exception to FERPA applies.

5. What is "directory" information?

Directory information is information in a student's educational records that would not generally be considered harmful or an invasion of privacy if disclosed. As a result, directory information is public unless a student opts out of release of directory information. Each college and university establishes its own definition of directory information but common examples include a student's name, dates of attendance, major field of study, etc. Please review student records policy at your college or university for a specific list of directory information, as well as the procedures for a particular student opting-out of allowing release of directory information. This information is often found in the student handbook, online, or at the Registrar's Office.

6. What are exceptions allowing non-consensual release of student records?

There are exceptions to FERPA and the MGDPA that allow sharing of educational records without a student's consent. These include release in a health or safety emergency, release to officials at a college or university to which a student is transferring, etc. One important exception is "to comply with a judicial order or lawfully issued subpoena."

7. What if law enforcement requests a student's educational records?

A college or university must follow FERPA and the MGDPA when law enforcement requests student educational records. This means that a college or university must obtain a student's voluntary consent to release their records to law enforcement OR there must be an exception that authorizes non-consensual release. As noted above, one such exception is "to comply with a judicial order or lawfully issued subpoena."

8. How should a college or university handle judicial orders or lawfully issued subpoenas?

We suggest that each college and university designate a single point of contact responsible for receipt of subpoenas, warrants, or other judicial orders. This could be your Data Practices Compliance Official (DPCO) or other administrator. All employees should refer legal documents to the designated contact who will work with the Office of General Counsel to determine how to respond to the judicial order or subpoena.

9. Who is responsible for protecting student records at a college and university?

It is the responsibility of all employees to protect student educational records. Any person requesting information on students should be referred to the Data Practices Compliance Official (DPCO) or other appropriate administrator at the college or university.

10. What resources are available on FERPA and student educational records?

- Every college and university has a student records policy that describes how it complies with FERPA and the MGDPA.
- The Office of General Counsel has information on its website at <http://www.mnscu.edu/system/ogc/dataprivacy/index.html>.
- The Family Compliance Office, which is part of the United States Department of Education, has resources on FERPA, including summary documents, guidance, and frequently asked questions available at <http://familypolicy.ed.gov?src=ferpa>.

FAQ: Deferred Action for Childhood Arrivals (DACA)

1. What is DACA?

DACA is a policy created by the U.S. Department of Homeland Security. Using its prosecutorial discretion, the U.S. Department of Homeland Security has announced it will not initiate removal proceedings for certain individuals who arrived in the U.S. as children and do not hold legal immigration status. DACA does not change the status of successful applicants. It simply provides that Homeland Security will defer removal proceedings.

2. Does DACA status automatically apply to eligible persons?

No. Individuals must affirmatively apply to receive deferred status. It is the responsibility of any individual interested in DACA status to obtain the necessary information and apply to U.S. Citizenship and Immigration Services for DACA status.

3. Does DACA change the immigration status of successful applicants?

No. DACA is not a “lawful status” under immigration law and it is not a basis for eligibility for permanent residency or citizenship. DACA authorizes an individual to seek employment and provides some assurance that the individual will be able to stay in the United States for two years, subject to renewal.

4. Who is eligible for DACA?

In order to be considered for DACA status, an applicant must:

- Have come to the U.S. before reaching his/her 16th birthday;
- Currently be under the age of 31;
- Have continuously resided in the U.S. since June 15, 2007;
- Be in school, have graduated or completed high school or received a GED, or have been honorably discharged from the U.S. armed services; and
- Not have been convicted of crimes (including a felony, significant misdemeanor, or three or more other misdemeanors) or pose a threat to national security or public safety.

There is no expedited process for receiving DACA status. According to federal sources, students who are approved for DACA status are not eligible for employment until their Employment Authorization Document is received.

5. What is the role of a college or university in the DACA process?

DACA has no direct impact on current Minnesota State policies. There is no prohibition on enrolling undocumented students at the colleges and universities of Minnesota State. College and university personnel are encouraged to provide students with information

about resources regarding DACA. However, they should not attempt to advise individual students about whether they are eligible for DACA status. Rather, college and university personnel should refer students to accurate sources of information about eligibility and application procedures. (Information resources regarded as reliable are listed below.) Students may be reminded of the importance of providing truthful information in their applications, as immigration publications have emphasized that fraud will be prosecuted to the fullest extent of the law.

College and university officials may be asked for copies of documents to establish enrollment or other information needed to apply for DACA status. The established college and university procedures for handling such requests apply.

6. Does DACA status confer eligibility for federal financial aid?

No, under federal law, undocumented students are not eligible for federal financial aid. Undocumented students may be eligible for certain benefits under the Minnesota Dream Act. Information on the Minnesota Dream Act is available from the Minnesota Office of Higher Education.

7. Does DACA status confer eligibility for in-state tuition?

No, DACA status does not confer eligibility for in-state tuition. However, many of the colleges and universities of Minnesota State have only one consolidated tuition rate (rather than resident and nonresident rates); the consolidated rate applies to all students, including undocumented students. In addition, undocumented students may be eligible for certain benefits under the Minnesota Dream Act.

8. Where can individuals get more information about applying for Deferred Action?

TELEPHONE

Individuals can call United States Citizenship and Immigration Services at 1-800-375-5283 with questions or to request more information on the Deferred Action for Childhood Arrivals process.

ONLINE

www.uscis.gov/childhoodarrivals	U.S. Citizenship and Immigration Services
www.ilcm.org	Immigrant Law Center of Minnesota
www.aila.org	American Immigration Lawyers Association
https://www.ohe.state.mn.us/	Minnesota Office of Higher Education

FAQ: Immigration and Custom Enforcement

1. What is ICE?

U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety. ICE was created in 2003 through a merger of the investigative and interior enforcement elements of the former U.S. Customs Service and the Immigration and Naturalization Service. ICE now has more than 20,000 employees in more than 400 offices in the United States and 46 foreign countries. The agency has an annual budget of approximately \$6 billion, primarily devoted to two operational directorates — Enforcement and Removal Operations and Homeland Security Investigations. These two operational directorates are supported by Management and Administration and Office of the Principal Legal Advisor to advance the ICE mission.

2. What does ICE do?

Immigration enforcement is the largest single area of responsibility for ICE. While certain responsibilities and close cooperation with U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, and others require significant ICE assets near the border, the majority of immigration enforcement work for ICE takes place in the country's interior.

3. Can ICE personnel come on campus and seize student records?

ICE is governed by the same rules as other law enforcement agencies when it comes to search, seizure, and entering powers. Generally speaking, they cannot require a Minnesota State employee to produce documents without a subpoena or warrant.

4. Can ICE personnel compel Minnesota State employees to produce private data on undocumented students?

No. The Family Educational Rights and Privacy Act (FERPA) and Minnesota Government Data Practices Act (MGDPA) apply to the records of all students, regardless of immigration status. Consequently, private data will be provided only as required by law, which in this case would mean pursuant to a valid subpoena or warrant.

5. Can ICE personnel compel Minnesota State employees to participate in a law enforcement action? For example, can ICE ask a Minnesota State employee to assist with the arrest and/or detention of an individual?

No. While we must not interfere with lawful ICE investigations, the U.S. Supreme Court has ruled that the federal government cannot commandeer state employees to participate in the actions of the federal government.

6. How does ICE conduct investigations?

ICE has the same investigatory powers as most law enforcement agencies. ICE also has the authority to issue subpoenas, but must actually issue a subpoena to receive records.

7. Who should be responsible for responding to an ICE subpoena or warrant?

An ICE subpoena for a student's records should be referred to the registrar or the Data Practices Act Compliance Official (DPCO) at the campus. Please send a copy of the subpoena to Sarah McGee, Assistant General Counsel at the Office of General Counsel (sarah.mcgee@so.mnscu.edu).

8. What documents can ICE ask for in a subpoena or warrant?

ICE can ask for a broad array of documents pertaining to the investigation of an individual, including documents typically protected from disclosure by FERPA and/or the MGDPA.

9. Can ICE issue “blanket” subpoenas or warrants asking for the names of all students who are not Pell-eligible, for example?

No. ICE subpoenas or warrants must be issued in the matter of a named, targeted individual.

10. How can I tell if an ICE subpoena or warrant is valid?

Please contact Sarah McGee, Assistant General Counsel at the Office of General Counsel (sarah.mcgee@so.mnscu.edu).

11. What happens if a college or university ignores an ICE subpoena or warrant?

If a subpoena or warrant is neglected or refused, ICE may petition the relevant United States District Court to issue an order enforcing the subpoena or warrant.

QUICK REFERENCE GUIDE

DACA	Deferred Action for Childhood Arrivals
DPCO	Data Practices Act Compliance Official (college or university president designates)
FERPA	Family Educational Rights and Privacy Act
MGDPA	Minnesota Government Data Practices Act
ICE	U.S. Immigration and Customs Enforcement
ISRS	Integrated Student Record System (Minnesota State's database)