



MinnState.edu

# 1B.1 Designated Officer

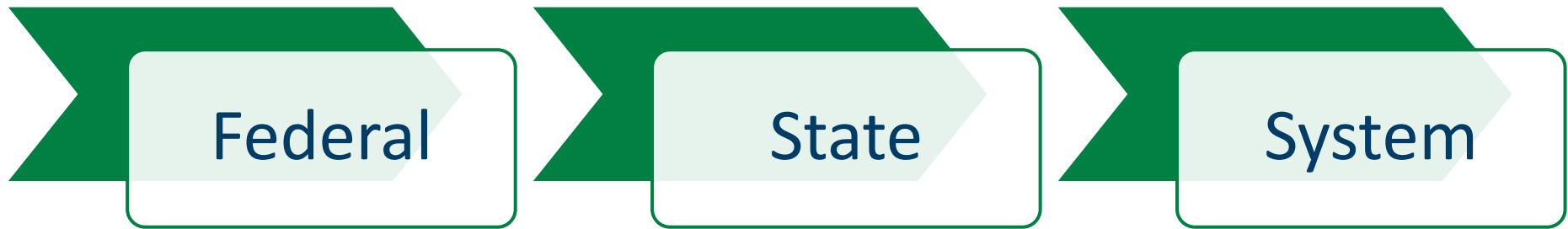
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**As per System Procedure 1B.1.1**

**Equal Opportunity and Compliance**

*November 2025*

# Overview



# Race, Color

## Title VII of the Civil Rights Act of 1964

Prohibits employment discrimination based on **race, color, religion, sex, or national origin**.

- » Race/color includes personal traits, such as hair texture, color or certain facial features, associated with a particular race

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education.

**"Race"** is inclusive of traits associated with race, including but not limited to hair texture and hair styles such as braids, locs, and twists.

# Religion, Creed

## Title VII of the Civil Rights Act of 1964

Prohibits employment discrimination based on **race, color, religion, sex, or national origin**.

- » Religion, creed protects all sincerely-held religious beliefs, no matter if a person holds the beliefs of a traditional organized religion, or that what others consider nontraditional beliefs; also religious accommodations
- » *\*see additional notes on Title VI*

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education. *Includes **religion** but does not provide a definition.*

# Age

## Age Discrimination in Employment Act of 1967

- » Age discrimination involves treating an individual less favorably because of his or her age.
- » The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older.
- » Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education.

The prohibition against unfair employment or education practices based on age prohibits using a person's **age** as a basis for a decision if the person is over the age of majority [which is 18] except for educational institutions, which shall be deemed to protect any individual over the age of 25 years.

# National Origin

## Title VII of the Civil Rights Act of 1964

Prohibits employment discrimination based on **race, color, religion, sex, or national origin**.

- » National origin includes coming from a particular place, having a particular accent, or appearing to have a particular ethnic background, perhaps because of physical characteristics or name

## Title VI of the Civil Rights Act of 1964

No person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

*\*see additional notes on Title VI*

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education.

**"National origin"** means the place of birth of an individual or of any of the individual's lineal ancestors.

# Disability

## Rehabilitation Act of 1973

Prohibits federal, or federally funded, programs, services, and employers from excluding or denying **individuals with disabilities** equal participation in, and opportunities for, program benefits, services, technology, and employment.

- » **Section 504** protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency.
- » “Equal access” for student with disabilities in career and technical education is required.

# Section 504

- » Definition of disability: Any person with a **disability** is someone who:
  - Has a physical or mental impairment that substantially limits one or more major life activities,
  - Has a record of such an impairment, or
  - Is regarded as having such an impairment.
- » Definition of **qualified person with a disability**: a person with a disability who meets the academic and technical standards for admission or participation in the school's education program or activity.
- » General **prohibition of discrimination**: qualified students with disabilities have the right to be free from discrimination based on disability; are entitled to an equal opportunity regardless of disability; and have the right to aids, benefits, or services, equal to and as effective as those provided to students without disabilities.



# Section 504, continued

## » Treatment of students

- No qualified student shall, on the basis of disability, be subject to discrimination, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination. . . [in] postsecondary education aid, benefits, or services.
- The program or activity shall be operated in the most integrated setting appropriate.

## » Academic adjustments

- In the postsecondary context, colleges must provide academic adjustments as necessary to ensure nondiscrimination
- Modifications to academic requirements (longer degree time), other rules (permit a service animal), course exams (longer time, different format)
- Auxiliary aids (e.g., accessible electronic versions of written materials, ASL interpreter, captioned videos)

# Disability, continued

## Americans with Disabilities Act

If a person is included in any of the following categories, the ADA protects them. It is a law, not a benefit program. A **person with a disability** is someone who:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

# ADA, continued

- » **Title I: applies to employers:** must provide people with disabilities an equal opportunity to benefit from employment-related opportunities available to others (e.g., recruitment, hiring, social activities)
- » **Title II: applies to all services, programs, and activities** of state and local government, including public education: must provide people with disabilities an equal opportunity to benefit from all of their programs, services, and activities
  - One responsible employee to coordinate efforts to comply with and carry out ongoing responsibilities under Title II: **ADA Coordinator**

# Disability, Housing Consideration

## Fair Housing Act of 1968

Unlawful to discriminate against any person in terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such a dwelling because of a handicap.

-requires allowance for “assistance animals” for a qualified individual with a disability in all dwellings.

# Disability (per state)

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education.

"**Disability**" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who

- (1) has a physical, sensory, or mental impairment which materially limits one or more major life activities;
- (2) has a record of such an impairment;
- (3) is regarded as having such an impairment; or
- (4) has an impairment that is episodic or in remission and would materially limit a major life activity when active.

# Disability (per state), continued

"**Qualified disabled person**" means:

- » (1) with respect to **employment**, a disabled person who, with reasonable accommodation, can perform the essential functions required of all applicants for the job in question; and
- » (2) with respect to **public services**, a person with a disability who, with or without reasonable modifications to rules, policies, or practices, removal of architectural, communications, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services and for participation in programs and activities provided by the public service.

For the purposes of this subdivision, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

If a respondent contends that the person is not a qualified disabled person, the burden is on the respondent to prove that it was reasonable to conclude the disabled person, with reasonable accommodation, could not have met the requirements of the job or that the selected person was demonstrably better able to perform the job.

# Sex-based

## Title VII of the Civil Rights Act of 1964

Prohibits employment discrimination based on **race, color, religion, sex, or national origin**.

- » Includes **sexual orientation** and **gender identity** (per 2020 SCOTUS decision).
- » *See also Pregnant Workers Fairness Act and Equal Pay Act*

## Title IX of the Education Amendments of 1972

No person in the United States shall, on the basis of **sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

- » Includes pregnancy and related conditions
- » Includes actual or potential parental, family, or marital status
- » Includes employment matters

# Sex, Sexual Orientation, Gender

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education.

- » **"Sex"** includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
- » **"Sexual orientation"** means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.
- » **"Gender identity"** means a person's inherent sense of being a man, woman, both, or neither. A person's gender identity may or may not correspond to their assigned sex at birth or to their primary or secondary sex characteristics. A person's gender identity is not necessarily visible to others.



# Familial Status, Martial Status

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education.

- » **"Familial status"** means the condition of one or more minors **having legal status or custody** with (1) the minor's parent or parents or the minor's legal guardian or guardians or (2) the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians. Familial status also means **residing with and caring** for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions. The protections afforded against discrimination on the basis of family status apply to any person who is **pregnant** or is in the **process of securing legal custody** of an individual who has not attained the age of majority.
- » **"Marital status"** means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

# Veteran Status

## Vietnam Era Veterans' Readjustment Assistance Act of 1974

The term "covered veteran" means any of the following veterans:

- » Disabled veterans.
- » Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized.
- » Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order No. 12985 (61 Fed. Reg. 1209).
- » Recently separated veterans (within the last 3 years).

Also applies to discrimination based on a disability that is related to their service, such as PTSD

# Veteran Status, continued

## Veterans Preference Act

A veteran is defined under the Veterans Preference Act as a citizen of the United States or a resident alien separated from active duty under honorable conditions from any branch of the U.S. armed forces:

- » After having served on active duty for 181 consecutive days; or
- » By reason of compensable service-connected disability incurred while serving on active duty (not active duty for training); or
- » Who has met the minimum active duty required as defined by federal rule (to qualify, the individual must have completed the full period for which a person was federally called to active duty.); or
- » Who has certain active military service certified under federal law not identified elsewhere.

# Status with regard to Public Assistance

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education.

- » **“Status with regard to public assistance”** means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

# Membership or activity in a local human rights commission

## Minnesota Human Rights Act, Mn Sect. 363A

It is a civil right for persons in this state to be free from discrimination in employment, housing and real property, public accommodations, public services, and education.

- » "**Local commission**" means an agency of a city, county, or group of counties created pursuant to law, resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, gender identity, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status.

# Genetic Information (for employees)

## Genetic Information Nondiscrimination Act of 2008

Genetic information includes information about an individual's genetic tests and the genetic tests of their family members. Genetic information also includes information about any disease, disorder, or condition of their family members (family medical history).

» This law provides with four basic rights:

- The law prohibits employers from treating individuals differently, or less favorably, because of genetic information.
- The law restricts employers from requesting, requiring, or purchasing genetic information.
- The law requires that employers keep genetic information confidential.
- The law protects you from being punished or harassed at work because you or someone you closely associate with (for example, a relative or close friend) complains about genetic information discrimination (i.e. retaliation).

Closer look

# Section 504/ADA

## Section 504 of the Rehabilitation Act of 1973

No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.

## Americans with Disabilities Act

Title I: applies to employers: must provide people with disabilities an equal opportunity to benefit from employment-related opportunities available to others (e.g., recruitment, hiring, social activities)

Title II: applies to all services, programs, and activities of state and local government, including public education: must provide people with disabilities an equal opportunity to benefit from all of their programs, services, and activities



# 504/ADA Coordinator

- Designated employee to be coordinator (responsible employee)
- Coordinate and monitor efforts at institution to comply with and carry out all responsibilities under the law
  - Provides training and technical assistance across campus
  - Oversees prevention efforts
- Highly visible, required notice to community, accessible for reporting to
- Repository for all reports and complaints for disability discrimination and disability harassment
- Oversees requirements for grievance process; may be the investigator of complaints
- Not the disability/accessibility services coordinator
  - Oversees disability verification and accommodation requests
  - Completes intakes and identifies appropriate accommodations
  - Works with faculty, staff, and supervisors

# Title IX

## Title IX of the Education Amendments of 1972

No person in the United States shall, on the basis of **sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

- » Includes pregnancy and related conditions
- » Includes actual or potential parental, family, or marital status
- » Includes employment matters

# Title IX Coordinator

- Designated “Title IX Coordinator”, reports to senior leader
- Must have one employee: ultimate oversight responsibility
  - Additional coordinators: “Deputies”
- At all times: to coordinate and monitor efforts at institution to comply with and carry out all responsibilities under the law
  - Provides training and technical assistance across campus
  - Assists with surveying the campus climate and analyzing data
  - Monitors participation athletics and across academic fields
  - Oversees prevention efforts
- Independent, with authority and knowledge
- Highly visible, required notice to community, accessible for reporting to
- Sufficiently trained
- Repository for all reports and complaints for sex-based discrimination
- Oversees requirements for sex-based harassment grievance process

# Title IX Coordinator, continued

- » Serves without bias
  - Free from bias for or against complainants or respondents generally or
  - against an individual complainant or respondent
- » Serves without conflicts of interest
  - Avoid subordinate roles as members of departments
  - Avoid other reporting functions that overlap with duties enforcing Title IX
  - OCR examples: deans of students, director of athletics
- » May be an investigator; may be an informal resolution facilitator; may NOT be a decision-maker
- » Must respond to all reports and complaints within the scope of mandatory obligations; must record response of not being deliberately indifferent
- » May sign a formal complaint w/o the participation of a complainant
- » Can serve as non-decision-making procedural facilitator during the live hearing (may control the order and decorum of the hearing)

# Title VI

## Title VI of the Civil Rights Act of 1964

No person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

# Executive Order 13899

- » Signed Dec. 11, 2019; affirmed Jan. 29, by President Trump
- » EO 13899
  - While “**religion**” is not specifically included under Title VI, it should be considered for those who are a member of a group that shares common religious practices
  - Specifically, “anti-Semitism” should be considered using the IHRA definition
    - “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”
- » EO 14188
  - Recent wave of anti-Semitic discrimination, vandalism, and violence, including HE
  - Elevated response to curb and combat anti-Semitism, including within education

# Title VI and Religion

## » Dept of Ed guidance: 2004-2024

- Title VI encompasses discrimination, including harassment, based on a student's actual or perceived:
  - Shared ancestry or ethnic characteristics, or
  - Citizenship or residency in a country with a dominant religion or distinct religious identity.
- Title VI considerations:
  - Racial, ethnic, or ancestral epithets, or slurs
  - How a person or group looks, dresses, or speaks if linked to ethnicity or ancestry (e.g., skin color, facial features, attire, accent, language spoken)
  - Potentially or allegedly inherited traits
  - Stereotypes about people who share certain ancestral or ethnic characteristics

# Title VI Coordinator, Trending

- » OCR Resolutions, June 2024 to January 2025: 8
- » Designate a Title VI Coordinator
  - Oversee receipt of discrimination and harassment reports
    - Protected status: race, color, national origin (and religion)
  - Coordinate response; must not be deliberately indifferent
    - Deliberate indifference standard
    - Build relationships with local law enforcement as relevant
    - Maintain appropriate recordkeeping
  - Identify and offer support
  - Provide training to students and employees
  - Monitor outcomes, identify patterns, assess effects on climate



# Title VI Coordinator, continued

- » New York State law (2/2025)
  - Mandates all campuses to designate a Title VI Coordinator
  - Requires NYHR to develop model training for students and employees
- » California State law (10/2025)
  - Office of Civil Rights, Antisemitism Prevention Coordinator for PK-12 schools
  - 4 state-wide Discrimination Prevention Coordinators; resources and training to prevent and consistently address bias and discrimination in schools

# Civil Rights Coordinators Review

Does your campus community know WHO to go to?

- » Regulations: designation of an employee
  - 504/ADA- yes
  - Title IX- yes
  - Title VI- no
- » Must comply with 504/ADA, Title IX, and Title VI
- » Someone needs to be responsible for and actively monitoring compliance
  - 504/ADA
  - Title IX
  - Title VI

# Designated Officer Role

Policy and Procedure Tasks and Responsibilities

# Nondiscrimination and Bias Incidents

## » Bias Incident

- An act or pattern of bigotry, harassment, or intimidation motivated in whole or part by a person's or group's actual or perceived protected class
- May or may not be a hate crime or policy violation
- May or may not be anonymous
- May be addressed through support, referral to resources, referral to reporting options, coordinated community circles, etc.
- Bias Response Team

## » Discrimination or harassment

- Unwelcomed conduct or communication of discrimination or harassment based on a person's actual or perceived protected class
- Considered within the scope of a policy (e.g., Board Policy 1B.1)
- Identified Complainant(s) and Respondent(s)
- May be addressed through Informal Resolution or Investigation per System Procedure
- Designated Officer

# Board Policy 1B.1

## Equal opportunity and nondiscrimination in employment and education

- » Equal opportunity for students and staff
- » Nondiscrimination
- » Protected Classes
- » Discrimination
- » Harassment
  - Discriminatory harassment
  - Sexual harassment
- » Consensual relationships
- » Retaliation

# Protected Classes

Harassment and discrimination are prohibited based on:

- » Race
- » Creed
- » Age
- » Disability
- » Sexual Orientation
- » Gender Expression
- » Familial Status
- » Sex (including pregnancy, child birth, and related medical conditions)
- » Status with regard to Public Assistance
- » Membership or activity in a local human rights commission
- » Color
- » Religion
- » National Origin
- » Marital Status
- » Gender Identity
- » Veteran Status
- » Genetic Information (employees)

# Protected Classes: Full Scope

- » Actual or perceived protected class
- » May include traits or characteristics linked to the protected class
- » May include stereotyping of a protected class

# Stereotyping

- » Social or cultural expectations
- » Includes positive, negative, and neutral expectations
  - Positive include intended compliments and model social expectations
  - Negative include offensive labels and usually imply inferiority
- » Often adjectives or nouns ascribed to people
- » Investigation considerations
  - Consider real or perceived protected classes
  - Identify relevant protected class statutes of involved parties



# Policy Application

- » This policy applies to all individuals affiliated with Minnesota State, including but not limited to, its students, employees, applicants, volunteers, agents, the Board of Trustees, and others as appropriate and protects the rights and privacy of all involved individuals, as well as prevents retaliation.
- » On property; off property, including online
- » 1B.1 Policy implemented through 1B.1.1 Procedure

# System Procedure 1B.1.1

## Investigation and Resolution

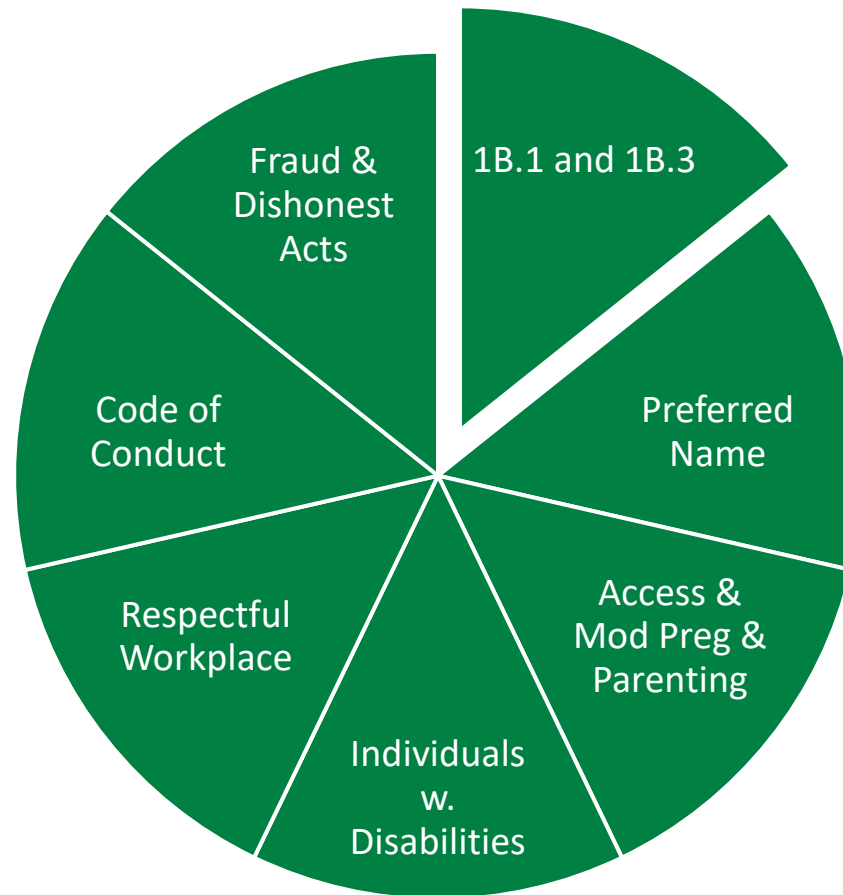
### Reporting Discrimination/Harassment

- Encourage report as soon as possible
- Administrators and supervisors must report incidents of discrimination/harassment
- Students, faculty and employees are strongly encouraged to report incidents of discrimination/harassment

# Procedure Overview 1B.1.1



# Other Policies and Procedures



# Inquiry vs. Investigation

## » Inquiry

- Limited information disclosed
- An anonymous report
- May ask questions, seek information, gather some insight specific to the allegation(s)
- Evaluate allegations within the scope of the Policies & Procedures

## » Investigation

- Complaint within scope of policy or policies
- Notices of investigation
- Methodical process for gathering information, facts, and evidence; conducting interviews
- Allowing the Respondent to respond to allegations
- Composing an Investigation Report for a Decision-maker

# Evaluation of Reports & Complaints

- » Resolution paths
  - Informal
  - Formal
  - Referrals
- » Considerations
  - Sex: Title IX Coordinator
  - Disability: ADA Coordinator
  - Employee: HR
  - Students: dean of students

# Roles in the Investigation Process

Designated Officer | Investigator | Decision-maker | President

# Designated Officer

- » Completed training provided by the system office within the past three years.
- » Is designated by the president or chancellor to be primarily responsible for conducting an initial inquiry,
- » Determines whether to offer informal resolution,
- » Determines whether to proceed with an investigation under 1B.1 procedure, and
- » Investigates or coordinates the investigation of reports/complaints of discrimination, harassment and retaliation as defined by Board Policy 1B.1.



# Designated Officer, cont.

- » Jurisdiction and scope
- » Conflicts of interest
- » Interim actions re: health, safety concerns
- » Primary person to ensure process moves forward through each relevant step of the procedure
- » Release of information requests

# Investigator's Role

- » Has completed training by the system office within the past three years for 1B.1.1 and past 12 months for 1B.3.1,
- » Is designated by the designated officer to conduct an inquiry, investigate or coordinate the investigation of reports/complaints of discrimination, harassment, and retaliation as defined by Board Policy in accordance with the procedure,
- » Determines or recommends whether to proceed with an investigation under this procedure,
- » Prepares investigation reports, and
- » May be the Designated Officer or Title IX Coordinator.

# The Investigation

- » Provides enough information for the decision-maker to make a reasoned decision about whether policy has been violated
- » Maintains integrity of process
  - Timely
  - Fair to both parties
  - Provide confidentiality as required by law
  - Thorough
  - Tailored to individual circumstances

# Decision-Making Authority

- » Completed decisionmaker training provided by the system office within the past three years and past 12 months for 1B.3.1,
- » Is designated by the president or chancellor to review investigation reports,
- » Determines whether Board Policy 1B.1 or 1B.3 has been violated based upon the investigation, and
- » Determines or recommends the appropriate action for the college, university, or system office to take based upon the findings.

# Policy Violation

- » Decisionmaker recommends discipline for a policy violation finding
- » For students: Decisionmaker may consult with student conduct folks on campus to recommend sanctions or outcomes
- » For employees: Decisionmaker informs Human Resources of finding; relevant CBA followed
- » Designated Officer maintains campus metrics

# Appeal Process

- » Complainant and Respondent have right to appeal decision
- » Appeal timeframe: 10 business days
- » Grounds for appeal
  - Procedural irregularity, affected decision
  - New evidence, not reasonably available before
  - Conflict of interest or bias
  - Insufficient evidence for decision (only 1B.1.1)

# President

- » **Removed** from initial investigation and decision-making
- » Serves as the final decisionmaker (appeal) for the Minnesota State

# Sufficiently Trained Team

- » Capacity and preparedness
- » Designated Officer and Investigator
- » System Office trained
- » Combat and address any bias in investigations
- » Address conflicts of interest (actual, perceived, or potential)
- » Annual Notice from EOC



# Supervising the Investigation Process

- » Points of contact with investigator
- » Calendaring reminders and communication strategy
- » Forms and letters
- » Investigation report assessment
- » Decision-maker: appoint or request

# Equitable and Consistent Decisions

- » Tracking outcomes and decisions
- » 3-5 years of data
- » Consider disaggregating data
- » Helpful for decision-makers

# Operating Instructions

# 1B.1 Annual Report

## 1B.1.1 System Complaint Disposition Form

- Investigation and Resolution Procedure addition: February 2, 2023
- Part 11. Annual Report to Board of Trustees
- Replaced MMB form
- Team/Channel

### » 1B.1.1.1 Operating Instructions

- Published August 2025
- Effective January 1, 2026

# Thank you.



## MINNESOTA STATE

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