

Minnesota State/MSUAASF Meet and Confer

August 10, 2020

ZOOM Meeting (COVID-19)

Present: Devinder Malhotra, Tracy Rahim, Ann Maile, Rachel Tanquist, Jim Jorstad, William Maki, Jillian Quandt, Victor Cole, Jim Anderson, Scott Goings, Lori Wynia, Sue Appelquist, Tim Alcorn, Stephanie Bard, Sami Gabriel, Satasha Green-Stephen, Layne Anderson, Paul Stern, Chris Dale, Andriel Dees, Brian Yolitz, Josh Lease, Amanda Wister, Kristy Modrow, Jaime Simonsen,

1. Welcome and Introductions

Stephanie Bard-Bemidji President, Rachel Tanquist-Secretary, Jillian Quandt-VP, Victor Cole-Metro State President, Jim Anderson-Past President, Lori Wynia-Treasurer, Tim Alcorn-Southwest State President, Sami Gabriel-Teamsters 320 President, Layne Anderson-Moorhead President, Paul Stern-Winona State President, Josh Lease-St. Cloud State President, Mandy Weister- Mankato President, Kristy Modrow-Legislative Representative, Jim Jorstad-Director Labor Relations, Ann Maile-Legal Secretary, Bill Maki-Vice Chancellor Finance and Facilities, Scott Goings-Assistant General Council, Sue Appelquist-Associate Vice-Chancellor HR, Satasha Green-Stephen Associate Vice-Chancellor Academic Affairs, Chris Dale-Labor Relations, Devinder Malhotra- Chancellor, Andriel Dees-Interim Assistant Diversity Officer, Brian Yolitz Associate Vice Chancellor of Facilities, Jaime Simonsen- Chief of Staff.

2. System Procedure 1B.3.1 Response to Sexual Violence

Andriel Dees stated that the Department of Education implemented new Title IX Regulations. MinnState created a new workgroup on how to formally respond to these regulations with Title IX professionals and other voices to create a draft procedure. You have the opportunity to comment on our procedures through August 24th. One of the biggest changes is a prescriptive process to add live hearings, among other changes. Scot Goings added that when the Department first released proposed changes 18 months ago, we were concerned as a system that there were features of the proposed regulation that were overly narrow and overly prescriptive. We submitted feedback in January 2019, until the final rules were published in May 2020. The final rules closely matched the original draft procedure. The new procedure goes into effect later this month, so we must adjust our procedures accordingly. At the Chancellor's direction and with discussion with Attorney General Ellison, Minnesota joined an 18-state lawsuit against this procedure to extend the deadline since it is difficult to implement during a pandemic. We have asked the court for preliminary injunction or stay while the litigation goes forward, and we expect a ruling this week. Andriel Dees added that we are looking at this in the broader context for how this policy aligns with our values. We are looking for feedback from all campuses on how we can better respond to sexual violence and harassment. The plan is to do further outreach with campuses and to look system-wide

Tracy Rahim recognizes that this is a difficult time to gather feedback and understands the challenge the timeline poses. Tracy asked how the system is communicating these changes so that faculty, staff, and students on campus so that everyone understands these changes. Andriel Dees responded that they do want to make sure the policy is communicated widely, and they are working closely with Title IX coordinators to craft communication and training plans. The system has always had the sexual violence training in place, and they do track the response rate for completion of the module.

3. COVID-19 Updates and Return to Work

Tracy Rahim thanked the Minnesota State team for the helpful meetings and communications to help keep us informed and to allow for a thorough consultation process. There are a lot of different perspectives on how things are going on campus. Tracy Rahim sent out a message last night encouraging ASF members to follow campus guidelines and expectations with the screening tool and wearing masks. Tracy Rahim requested that each campus president speak on any local concerns

Victor Cole stated that for Metro State, concerns return to campus are minimal. They have not heard from their President directly, but they have heard conflicting messages on procedures and processes from HR and Supervisors. The majority of staff are not back to campus and most offices will remain closed with individuals teleworking.

Stephanie Bard from Bemidji State management has made clear the options we have regarding leave. The next concern is workload and if staff are needing to reduce hours for childcare and COVID leave. The concern is the workload placed on exempt employees when other employees have to cut back. There are concerns with back to campus work plans and creating difficulties in working relationships between individuals are back to campus and others are teleworking.

Layne Anderson from Moorhead stated that communication is as good as can be expected with an ever-changing environment. Layne Anderson appreciates the effort of management to keep the lines of communication open. Staff are concerned about their personal health and safety which creates concerns with the plans to open on August 17th, which creates workload concerns as individuals may need to telework. We need to look at how we support individuals who need to be at home and on campus. Members are concerned about long-term funding concerns, especially regarding job security and student enrollment levels with students expressing concerns over online classes. Layne Anderson would also like more clarification on what our thresholds are for opening more, or for when we may need to shut down.

Josh Lease from St. Cloud added that the concerns expressed above are statewide. Josh Lease noted that some offices have not received cleaning supplies, plexiglass, masks, but have required their employees to return to work. Josh Lease understands that there are supply chain issues but is concerned about putting member's health and safety at

risk. He also noted that individuals with approved medical exceptions in March are now being asked to resubmit those with no changes to their medical status to be approved to work from home. The third concern he noted is that there is that people are required to be on campus regardless of what their work function is. It seems that remote work is not being considered as acceptable whenever possible. Return to campus plans are not return to work plans since our members have been working the entire time through the pandemic in a remote work environment. It is concerning that members are potentially putting themselves and their families at risk with unsafe environments.

Tim Alcorn from Southwest State stated that they are working through the process with management with open communication. The local COVID plans have been re-drafted with feedback. Tim Alcorn's hope is that we can be consistent state-wide, especially regarding concerns with K-12 education changes. He also asked for a system-wide communication plan for when COVID cases on campus occur for consistency. Tracy Rahim added that this would be helpful so that we can communicate equally to all members.

Amanda Weister from Mankato stated that our administration is working for employee and student safety through open communication, feedback, and safety measures. The employee expectation return to work document was published in the last few weeks, with the determining factor on when a person is returning to campus being whether a position is student facing or not. However, this has created vastly different timelines to return to work between different offices and has seemed contrary to the governor's decree to work from home if you can. Amanda Weister echoed Josh Lease's sentiment that our members have been working well from home, so it is unclear why returning to campus is required if our members are still entirely meeting with students via zoom, or are in positions where they are not meeting with students at all. Amanda Weister also raised the concern regarding contract tracing. MDH is taking the lead from public institutions for contract tracing, but there are concerns on how they manage this load. Amanda Weister noted that it is important to have a structure in place for timely contract tracing so that individuals exposed sooner rather than later.

Paul Stern from Winona State noted that we don't know what our capacity is regarding quarantine possibilities so that we have a safe and responsive environment. Paul Stern noted that Winona is returning to campus 50% online, 25% hiflex, and 25% in-person, which means that classroom capacity has changed greatly. Paul Stern echo's Amanda Weister's points on pre-screening and added that the mask requirement is a cultural shift that we need to address. Winona State may have health promotion ambassadors may help to enforce this in university buildings as campus culture adjusts to the change. Another challenge is how we verify that students complete the screening tool without policing it.

Tracy Rahim noted that there is a broad range on how campuses are responding. Amanda Weister brought forward the question of testing on campus based on Dr.

Fauci's recommendations, and how we can ethically and confidently open our doors without a single test for students or faculty/staff which is in contrast with leading health experts recommendations.

Chancellor Malhotra responded that the goal is the safety of staff/faculty/students with minimal disruption to students' educational journeys. In March, no one could predict where we are right now. Chancellor Malhotra noted that the feedback received is extremely helpful. He also added that they must walk a fine line between consistency and campus autonomy based on local campus needs, which is a hard balance. Minnesota State will continue to work with the Minnesota Department of Health on guidance for student and employee screenings.

Chris Dale noted a common theme between campuses was creating a threshold for transition points. William Maki added that we have been relying on the Minnesota Department of Health as our primary expert. There was extensive discussion related to testing, and the Minnesota Department of Health stated that there is a difference between testing in theory and in practice. The Department of Health noted that the study in question did not consider social distancing and masking, nor the ethical concerns with testing, nor the capacity for testing. Brian Yoltz added that they have had these discussions with the Minnesota Department of Health for months now and the concern regarding state resources since it would consume 20+ days of state testing resources. A one-time test would also only give us one snapshot in time and would not account for positive cases that arise after the test occurred. The pivot/surge will mirror how K-12 is responding and how they will move from online/hybrid/in-person by working closely with the Department of Health. How we respond to cases will be a function of context: where the cases occurred, who they were in contact with, etc. Contact tracing will be an important tool to stop the spread.

Chris Dale addressed the concern regarding individuals continuing to work from home, and the change to the state's COVID paid leave program. Individuals now must resubmit requests due to changes to the state leave policy and transitioning to the federal policy so that accommodations can be reviewed. Sue Appelquist also addressed return to work plans. While the state guidance states that employees need to continue to work from home whenever possible, it is a local campus decision and the campus needs to articulate why individuals are being required to return to campus. By necessity, providing in-person programming requires some employees to be on campus. Amanda Weister brought the concern of a potential student death on campus, and that we need to place students' health first and the concern regarding testing capacity since it does not seem to be a good practice. Tracy Rahim thanked Amanda Weister and recognized that we are all between a rock and a hard place.

Tracy asked about resubmitting medical accommodations regarding teleworking since it is a local decision and not based on the COVID policy changes. Tracy also raised the concern on whether our campuses are ready and what rights employees have if safety

requirements are not met. Chancellor Devinder asked Tracy Rahim if they can further discuss this after the meeting with Brian Yolitz and St. Cloud State so they can follow up accordingly.

3. Law Enforcement/Criminal Justice Education Reform

Satasha Green-Stephen stated that they are creating a Minnesota State 25-person task force for law enforcement education reform. They have identified the membership, with all unions represented and the first meeting will be August 26th. They have also created a law enforcement faculty committee of practice by working closely with IFO. The committee will be reviewing standards for law enforcement and creating best practices for training future law-enforcement officers. They are also extending program review and quality assurance purpose with 11 programs being reviewed to look at what we can do differently to support our students. They are also reviewing Goal 7 and the diversity requirement, which began before the law enforcement reform. A plan was also created for the recruitment and retention of faculty of color. The task force will start in the fall and meeting minutes and agenda items will be posted. Chancellor Malhotra added that we need to have an equity and anti-racist lens no matter what we are doing and what we learn from this process can then be expanded to other areas. Tracy Rahim added Kristy Modrow is the MSUAASF representative on this task force.

Future Meetings:

September 25, 2020 1:30-3:00pm ▪ December 4, 2020 – 10:30-12:00 ▪ February 19, 2021 – 10:30-12:00 ▪ April 30, 2021 – 10:30-12:00

Notes recorded by Rachel Tanquist, MSUAASF State Secretary