

## CHAPTER 136E

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#### 136E.01 HIGHER EDUCATION BOARD.

Subdivision 1. **Membership.** The higher education board, referred to in sections 136E.01 to 136E.05 as "the board," consists of 15 members appointed by the governor with the advice and consent of the senate. At least one member of the board must be a resident of each congressional district. Three members must be students who are enrolled at least half-time in a degree, diploma, or certificate program or have graduated from an institution governed by the board within one year of the date of appointment. The student members shall include: one member from a community college, one member from a state university, and one member from a technical college. The remaining members must be appointed to represent the state at large.

Subd. 2. **Term; compensation; removal; vacancies.** The compensation, removal of members, and filling of vacancies on the board are as provided in section 15.0575. Members are appointed for a term of six years, except that the term of each of the student members is two years. Terms end on June 30.

Subd. 3. **Board administration.** The board shall elect a chair and other officers as it may desire. It shall determine its meeting dates and places.

**History:** 1991 c 356 art 9 s 2; 1994 c 532 art 7 s 2,3

**NOTE:** The amendments to subdivisions 1 and 2 by Laws 1994, chapter 532, article 7, sections 2 and 3, are effective July 1, 1995. See Laws 1994, chapter 532, article 7, section 12.

#### 136E.02 HIGHER EDUCATION BOARD CANDIDATE ADVISORY COUNCIL.

Subdivision 1. **Purpose.** A higher education board candidate advisory council shall assist the governor in determining criteria for, and identifying and recruiting qualified candidates for, nonstudent membership on the higher education board.

Subd. 2. **Membership.** The advisory council consists of 24 members. Twelve members are appointed by the subcommittee on committees of the committee on rules and administration of the senate. Twelve members are appointed by the speaker of the house of representatives. No more than one-third of the members appointed by each appointing authority may be current or former legislators. No more than two-thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of a member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 governs the advisory council, except that the members must be appointed to six-year terms.

Subd. 3. **Duties.** The advisory council shall:

(1) develop a statement of the selection criteria to be applied and a description of the responsibilities and duties of a member of the higher education board and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the board, based on the background and experience of the candidates, and their potential for discharging the responsibilities of a member of the board.

Subd. 4. **Recommendations.** The advisory council shall recommend at least two

and not more than four candidates for each seat. By January 2 of each even-numbered year, the advisory council shall submit its recommendations to the governor. The governor is not bound by these recommendations.

Subd. 5. **Support services.** The legislative coordinating commission shall provide administrative and support services for the advisory council.

**History:** 1991 c 356 art 9 s 3; 1994 c 532 art 7 s 4

### 136E.021 STUDENT BOARD MEMBER SELECTION.

Subdivision 1. **Responsibility.** Notwithstanding section 136E.02, the statewide community college student association, state university student association, and technical college student association shall each have the responsibility for recruiting, screening, and recommending qualified candidates for its student member of the board.

Subd. 2. **Criteria.** After consulting with the higher education board candidate advisory council, the student associations shall jointly develop a statement of the selection criteria to be applied to potential candidates.

Subd. 3. **Recruiting and screening.** Each student association shall develop processes for identifying and recruiting qualified candidates and for screening those candidates.

Subd. 4. **Recommendations.** Each student association shall recommend at least two and not more than four candidates for its student member. By January 2 of the year in which its members' term expires, each student association shall submit its recommendations to the governor. The governor is not bound by these recommendations.

**History:** 1994 c 532 art 7 s 5

### 136E.03 MISSIONS.

The mission of the board is to provide programs of study that meet the needs of students for occupational, general, baccalaureate, and graduate education. The state universities, community colleges, and technical colleges shall have distinct missions as provided in section 135A.052, subdivision 1. Within that statutory definition and subject to the approval of the board, each community college, state university, and technical college may develop its own distinct campus mission. The board shall develop administrative arrangements that make possible the efficient use of the facilities and staff of the technical colleges, community colleges, and state universities for providing these several different programs of study, so that students may have the benefit of improved and broader course offerings, ease of transfer among schools and programs, integrated course credit, coordinated degree programs, and coordinated financial aid. In carrying out the merger of the three separate systems, the board shall control administrative costs by eliminating duplicative administrative positions and course offerings.

**History:** 1991 c 356 art 9 s 4; 1Sp1993 c 2 art 9 s 3; 1994 c 532 art 7 s 6

### 136E.04 POWERS AND DUTIES.

Subdivision 1. **General authority.** The board shall manage, supervise, and control the technical colleges, community colleges, and state universities and all related property. It shall prescribe courses of study and conditions of admission, prepare and confer diplomas, and adopt suitable policies for the institutions it manages. Sections 14.01 to 14.47 do not apply to policies and procedures of the board.

Subd. 2. **Personnel.** The board shall appoint all presidents, teachers, and other necessary employees. Salaries and benefits of employees must be determined according to chapters 43A and 179A.

Subd. 3. **Budget.** The board shall submit to the governor and the legislature the budget request for its several different programs of study.

Subd. 4. **Occupational and vocational program information.** In its biennial budget request, the board shall provide to the governor and legislature information on its occupational and vocational programs specifying revenues, expenditures, trends for expen-

ditures, expenditures for instructional equipment, and other relevant information related to those programs. The board shall provide the governor and legislature in its biennial budget request information on the accountability measures it uses to determine the efficiency and effectiveness of the occupational and vocational programs.

Subd. 5. **Program delivery.** The board shall avoid duplicate program offerings. After consulting with the local advisory committees, the board shall develop programs to meet the needs of students and the state.

Subd. 6. **Transferability.** The board shall place a high priority on ensuring the transferability of credit among the institutions it governs.

Subd. 7. **Registration and financial aid.** The board shall devise a registration system that simplifies and combines registration for the institutions it governs, improves the financial aid application process for students, and provides registration at common locations.

Subd. 8. **Pension plan.** Effective July 1, 1995, the board shall assume the administrative responsibility for the individual retirement account plans in chapter 354B formerly administered separately by the state university board and the community college board. The separate plans and the former plan administration must be merged into a single individual retirement account plan and plan administration covering eligible employees of the board, eligible employees of system institutions, and other eligible employee groups who are covered by the plan under section 354B.01.

**History:** 1991 c 356 art 9 s 5; 1Sp1993 c 2 art 9 s 4; 1994 c 572 s 2

**NOTE:** This section, as added by Laws 1991, chapter 356, article 9, section 5, is effective July 1, 1995. See Laws 1991, chapter 356, article 9, section 16.

**NOTE:** Subdivision 8, as added by Laws 1994, chapter 572, section 2, is effective July 1, 1995. See Laws 1994, chapter 572, section 13.

### 136E.05 LOCAL ADVISORY COMMITTEES.

The president, with the approval of the chancellor and the board, may appoint a local advisory committee for each campus. Committee members must be qualified people who have knowledge of and interest in the campus. The board shall define the role and authority of the advisory committees and establish procedures for the appointment, terms, and termination of members. The president or an appointee of the president shall regularly meet and consult with the local advisory committee.

**History:** 1991 c 356 art 9 s 6

**NOTE:** This section, as added by Laws 1991, chapter 356, article 9, section 6, is effective July 1, 1995. See Laws 1991, chapter 356, article 9, section 16.

## PERSONNEL

### 136E.31 ASSIGNMENT TO BARGAINING UNITS.

Actions by the higher education board to merge or redesignate institutions or to promote collaborative efforts between institutions must not unilaterally change faculty assignments to bargaining units provided in section 179A.10, subdivision 2.

**History:** 1994 c 532 art 4 s 5

**NOTE:** This section, as added by Laws 1994, chapter 532, article 4, section 5, is effective July 1, 1995. See Laws 1994, chapter 532, article 4, section 8.

### 136E.395 EARLY SEPARATION INCENTIVES.

Subdivision 1. **Employer participation; higher education agencies.** (a) In order to minimize the disruptive effects of layoffs or reorganization attributable to the merger of the state universities, community colleges, and technical colleges, and the restructuring of the higher education coordinating board, employees of the higher education coordinating board, the state university, community college, and technical college systems, and employees of local school districts, joint technical districts, and intermediate districts assigned to a technical college position, who are employed in positions that are

to be eliminated in the merger and restructuring, as certified by the chancellor of the higher education board or the executive director of the higher education coordinating board, are entitled to elect an early separation incentive set forth in subdivision 3.

(b) The higher education board and the higher education coordinating board must determine those specific positions to be permanently eliminated as part of the merger or restructuring and identify the employees who may elect one of the early separation incentives established by this section.

**Subd. 2. Eligibility.** A person employed by the employing units identified in subdivision 1 is eligible to elect the incentive if the person:

(1) is an employee of the higher education coordinating board, a state university, community college, or technical college, or an administrative employee of a local school district, joint technical district and intermediate district assigned to a technical college position whose position is to be eliminated;

(2) is at least age 55 but is not yet age 65;

(3) is employed in a permanent position and in active work status at the time the incentive is elected;

(4) upon retirement, termination, or separation is immediately eligible for a retirement annuity from a defined benefit Minnesota public employee pension plan or a distribution from a defined contribution Minnesota public employee pension plan;

(5) retires, separates, or is terminated from an eligible position after June 30, 1994, but before July 1, 1996; and

(6) has been certified by the chancellor of the higher education board or the executive director of the higher education coordinating board as eligible to elect an early separation incentive.

**Subd. 3. Incentives.** (a) Eligible employees may elect one of the following incentives but may not elect both.

(b) Retirement under this section means permanent separation or termination from employment with or under the control of the higher education board, the higher education coordinating board, or the higher education systems to be merged.

(c) Employees who separate, terminate, or retire with the early retirement incentive under paragraph (e) may not be rehired by the state in any employment position under the control of the higher education board or the higher education coordinating board.

(d) An eligible employee who receives a termination notice after July 1, 1994, may elect to take a six-month retraining leave in order to complete a course of study that is approved by the higher education board or the higher education coordinating board and which is designed to prepare the employee to assume a faculty position at a state university, community college, or technical college. The retraining leave must be at the full salary level that the person received immediately before the termination notice, including fringe benefits. The leave must be completed no later than June 30, 1996. Employees who seek to return to teaching must satisfy the qualifications established by applicable collective bargaining agreements. Any subsequent faculty appointments must be in accordance with collective bargaining agreements and policies of the higher education board. The individual's pretermination notice employment ceases at the conclusion of the retraining leave. Individual employee eligibility for severance payments must be made in accordance with the policies of the employing unit in effect at the time the incentive was elected. Notice of election of this incentive must be made before April 1, 1996, on forms prescribed by the higher education board.

(e) An eligible employee may elect the following instead of the incentive in paragraph (d):

(1) state-paid hospital, medical, and dental insurance to age 65. An employee who retires, is terminated, or is separated is eligible for single or dependent insurance coverages, whichever applies, and any employer payments to which the person was entitled immediately before retirement, termination, or separation subject to any changes in

coverage and employer and employee payments through collective bargaining or personnel plans in positions equivalent to the position from which the employee retired, terminated, or separated. The employee is not eligible for employer-paid life insurance. If the employee is not yet age 65 at the time of retirement or separation, the employee is eligible for employer-paid insurance under the provisions of a personnel plan and has at least as many months service with the current employer and the number of months the individual is under age 65 at the time of retirement; and

(2) if the eligible employee has at least 15 years of combined service credit in a Minnesota public pension plan, a one-time opportunity to purchase up to two years of service credit in or to make not more than two years of additional member contributions to the public pension plan that the employee is a member of at the time of retirement or separation as follows:

(i) Eligible employees may have the additional payment made on the basis of the employee's base salary in the year of separation as denoted in the salary schedule in the applicable employer personnel policy and at the rate and in the manner specified in section 352.04, 353.27, 354.42, or 354A.12, whichever applies. The employee payment must include interest at the rate of 8.5 percent. The employer shall make the required employer contribution and employer additional contribution to the retirement fund as specified in section 352.04, 353.27, 354.42, or 354A.12, whichever applies for an employee who elects this option. Both the required employee and employer payments must be made to the fund before the employee's date of retirement or separation, whichever is earlier.

(ii) Defined contribution plan members in plans established by chapter 352D or 354B must have additional employee and employer contributions made on the basis of the employee's base salary in the year of retirement as denoted in the salary schedule in the applicable employer personnel policy and at the rate and in the manner specified in section 352D.04, subdivision 2, or 354B.04, as applicable. The additional contributions must be made before the employee's date of retirement or separation, whichever is earlier.

**History:** 1994 c 572 s 3

## STUDENTS

### 136E.525 STUDENT ASSOCIATIONS.

Subdivision 1. **Statewide.** The board shall recognize one statewide student association for the community colleges, one for the state universities, and one for the technical colleges. Each statewide student association shall be affiliated with its campus student associations but all students enrolled on those campuses shall be members of their respective statewide association.

Subd. 2. **Fees.** Each statewide association shall set its fees to be collected by the board and shall submit any changes in its fees to the board for review. The board may revise or reject the fee change. Fees must be collected by each community college, state university, and technical college and shall be credited to each association's account to be spent as determined by that association.

Subd. 3. **Consolidation.** No changes may be made to student associations located on community college, state university, technical college, or consolidated colocated campuses without the approval of each affected campus association in consultation with its state student association.

**History:** 1994 c 532 art 7 s 7

**NOTE:** This section, as added by Laws 1994, chapter 532, article 7, section 7, is effective July 1, 1995. See Laws 1994, chapter 532, article 7, section 12.

## MANAGEMENT; ADMINISTRATION

**136E.692 CONSTRUCTION, IMPROVEMENT, AND REPAIR OF FACILITIES.**

Subdivision 1. **Construction; improvements.** The higher education board shall supervise and control the preparation of plans and specifications for the construction, alteration, or enlargement of community college, state university, and technical college buildings, structures, and improvements for which appropriations are made to the board. The board shall advertise for bids and award contracts in connection with the improvements, supervise and inspect the work, approve necessary changes in the plans and specifications, approve estimates for payment, and accept the improvements when completed according to the plans and specifications.

Subd. 2. **Plans.** Plans and specifications must be accompanied by a detailed statement of the cost, quality, and description of all material and labor required for the completion of the work. No plan may be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation for it, unless otherwise provided by law.

Subd. 3. **Dispute resolution.** In contracting for projects, the higher education board must not restrict its access to litigation or limit its methods of redress to arbitration or other nonjudicial procedures.

Subd. 4. **Repairs.** The higher education board shall supervise and control the making of necessary repairs to all community college, state university, and technical college buildings and structures.

**History:** 1994 c 532 art 7 s 8

**NOTE:** This section, as added by Laws 1994, chapter 532, article 7, section 8, is effective July 1, 1995. See Laws 1994, chapter 532, article 7, section 12.