



Supporting Safe and Inclusive Campus Communities

updated 2025

Minnesota State colleges and universities have an enduring commitment to enhancing Minnesota's quality of life by developing and fostering understanding and appreciation of a free and diverse society and providing equal opportunity for all its students and employees. Minnesota State is committed to ensuring welcoming and supportive campus environments. Inclusiveness is embraced through the Strategic Framework, in board policies, 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 aspire for all students and employees to experience a safe, healthy, and welcoming campus climate.

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.

Training Opportunities

The following training modules are mandatory for new employees and included in annual retraining requirements for all employees. Contact the Human Resources Office for registration information and questions.

- Respectful Workplace
- General Safety
- FERPA and Private Data
- Cyber Security Awareness
- Preventing Sexual Harassment
- (Employee) Code of Conduct and Ethics

Also, the Search Advisory Committee Training has been created. This course includes a module on recognizing and eliminating implicit bias and creating a welcoming climate for applicants.

Many administrators and employees also participate in system-level training specifically geared for personnel involved in the complaint and resolution process of protected class-based discrimination, discriminatory harassment, and sexual violence. These system office trainings support campuses to

ensure investigators, decision-makers and designated officers have sufficient training to effectively address reports and complaints. For information about these trainings and how to sign up, employees should connect with their human resources office.

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/seqip/health-solutions/employees/eap/>

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 during orientation and onboarding, it is worthwhile to remind students and colleagues that these avenues exist for reporting concerns and incidents as they arise.

Discrimination or harassment based on protected class

Through Board Policy 1B.1, Minnesota State prohibits discrimination and harassment against persons in the terms and conditions of employment, personnel practices, or access to and participation in educational programs, services, and activities on the basis of membership or perceived membership in any of the following protected classes: race, sex (including pregnancy, child birth, and related medical conditions), color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, veteran status, familial status, and membership or activity in a local human rights commission. Genetic information for employees is also considered a protected class. Furthermore, this policy prohibits retaliation, which is defined as: any form of intimidation, reprisal or harassment against an individual because they made a complaint, oppose conduct prohibited by the above referenced policy, or assisted or participated in any manner in an investigation or process related to civil rights. Reports should be made to the campus designated officer to ensure reporting options are provided and the applicable investigation and disciplinary process is followed.

Sexual Violence

Through [Board Policy 1B.3](#), sexual violence is considered an intolerable intrusion into the most personal and private rights of an individual and is prohibited. Minnesota State is committed to eliminating sexual violence in all forms and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. Acts of sexual violence may also constitute violations of criminal or civil law or of other Board Policies that may require separate proceedings. To further its commitment against sexual violence, Minnesota State provides reporting options, an investigation and disciplinary process, prevention training, and other related services as appropriate.

Student Code of Conduct

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

prohibited 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. College and university student codes of conduct align with [Board Policy 3.6](#) and [system procedure 3.6.1](#) which address elements to be included and addressed in campus-based student codes of conduct.

Student Grievance and Complaint Process

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). College and university leadership should ensure the information about the institution's student grievance and complaint process is current and shared with academic and student affairs leaders and supervisors .

Bias Incident Advisory or Response Team

Members of the campus community who experience or become aware of a possible bias incident may report the incident to any member of the campus bias incident advisory or response team. The Team may respond to reported incidents in a variety of ways, including but not limited to; providing support, resources, and consultation; organizing and holding open forums; and providing educational programs and training. All efforts will be made to identify and provide opportunities for the community to enhance and encourage inter-group dialogue that focuses on relevant issues of bias and discrimination and effective strategies for enhancing individual and community safety and well-being and reinforcing community values. Note that the Team does not have a role in determining whether campus policy has been violated.

Employee Code of Conduct and Ethics

The code of conduct and ethics for all employees across the system is part of the Board Policies and Procedures, found on the website: <https://www.minnstate.edu/board/policy/index.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 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

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

Undocumented, Immigrant, and International Student Resources

If a student or employee needs external legal or advocacy assistance related to immigration and refugee issues, consider these resources.

[Immigrant Law Center of Minnesota](#)

[American Civil Liberties Union of Minnesota](#)

[The Advocates for Human Rights](#)

[International Institute of Minnesota](#)

[NAVIGATE](#)

[Council on American-Islamic Relations, Minnesota](#)

State and Federal Law FAQ

January 2025

Employees can support educational success for 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

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 public information in a student's educational records. Directory information 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 [Minnesota State - DPCO Directory](#).
- 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 [OCPO Home Page | U.S. Department of Education](#).

FAQ: Immigration and Customs 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, law enforcement 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, including the authority to issue subpoenas. Importantly, ICE must actually issue a subpoena to receive student 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 Daniel McCabe, Assistant General Counsel (Daniel.mccabe@minnstate.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 send a copy of the subpoena to Daniel McCabe, Assistant General Counsel (Daniel.mccabe@minnstate.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.

12. Will colleges and universities continue to be "sensitive locations"?

No. In the past, ICE identified colleges and universities as "sensitive locations" where it would not engage in enforcement activities absent certain exigent or special circumstances. ICE recently rescinded the "sensitive locations" guidelines.

13. What steps should an employee take if contacted by an ICE agent on campus?

We suggest that each college and university designate a single point of contact responsible for interacting with ICE. This could be your Data Practices Compliance Official (DPCO), campus security, or other administrator. All employees should direct ICE agents to that point of contact.

14. Can ICE agents access all campus areas?

No. As public colleges and universities, Minnesota State institutions welcome the public to significant portions of our campuses. For example, many campuses have outdoor space, parking lots, and indoor common-use areas open to the public. Some areas, however, are restricted due to privacy concerns, operational needs or safety considerations. Examples of such restricted areas that are not generally open to the public include student rooms in residence halls, classrooms in session, faculty and administrative offices, etc. ICE agents are subject to the same access restrictions as other members of the public.

It is important to note that ICE or other Department of Homeland Security personnel may also be on campus for reasons unrelated to enforcement actions. For example, a college or university with international programs is required to report certain information about F-1 or J-1 visa status students to ICE. This reporting is routine, and colleges and universities are required to comply with on-site visits to review such records when requested.

QUICK REFERENCE GUIDE

- 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)

Minnesota State is an affirmative action, equal opportunity employer and educator.