*Approved at the 9/11/2020 meeting*

**BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES**

***MINUTES OF THE BOARD MEETING***

Monday, August 10, 2020

**Zoom Meeting**

**I. Regular Meeting – 9:00 a.m. Virtual**

9:01 a.m. Regular session called to order by Chairman Jorden.

Trustees present virtually: Chairman Jorden, Trustee’s Burgess, Haddon, McNeil, Sanders and Starzer.

Mines executives and directors present virtually: President Johnson, Provost Holz, EVP Volpi, VPSL Fox, VPRTT Tompkins, VP Han, VPGC Walker, Ms. Merz-Hutchinson and Ms. Schmalzel.

1. **Consent Agenda**

The minutes from the June 26, 2020 regular meeting were submitted for approval.

Trustee Haddon motioned to approve the minutes as presented; seconded by Trustee McNeil.

Motion approved 6-0.

1. **Action Items**

August Graduation list approval Dr. Holz submitted the additional list of August 2020 Master’s and Doctoral degree recipients to the Board of Trustees for approval noting they have all been vetted by the registrar and the faculty.

Trustee Sanders motioned to approve the August graduation list as presented; seconded by Trustee Haddon.

Approved 6-0.

***BE IT RESOLVED*** *that the Board of Trustees of the Colorado School of Mines approves the attached August 2020 graduation lists.*

Title IX policy approval Ms. Schmalzel reviewed the proposed Amendments to three of Mines’ policies; the Policy Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence, the Amorous Relationships Policy, and the Unlawful Discrimination Policy. She thanked all those involved in preparing the policies; Ms. Walker, Ms. Merz-Hutchinson, Ms. Altman and Dr. Fox.

Ms. Schalmzel provided an overview of the recommended changes for three policies. The first is The Sexual Harassment, Sexual Assault & Interpersonal Violence policy. The recommended changes were comprised of word replacements to modify the name of the policy, clarifying the scope and definition of sexual harassment and the jurisdictional scope of the policy as discussed in the May Board meeting. She provided information on the recommended change in the grievance process by updating the hearing procedure and, the resolved complaint process to provide an alternative path to the formal grievance process under this policy. Ms. Schmalzel noted that Mines had training for 10 restorative justice personnel.

Ms. Schmalzel provided an overview of the recommended changes in the Amorous Relationship policy noting two major changes. The change in the contact from the Title IX off to the Human Resources (HR) Director and the modification of the definition of a “person of trust” providing more clarity.

Ms. Schmalzel provided an overview of the Unlawful Discrimination policy noting two major changes. First, the addition of the HR Director as the contact to policy and the need to be more explicit for other protected classes. Secondly, the recommended changes listing all the relevant federal and Colorado civil rights laws that require enforcement through non-discrimination mandate in order to clarify the scope of the policy.

Following Ms. Schmalzel’s overview there was robust discussion regarding many of the changes. Ms. Merz-Hutchinson and Ms. Schmalzel provided information on the current lawsuits challenging some of the changes to the policies. It was reported there are 2-3 lawsuits pending across the country. Ms. Merz-Hutchinson noted the State of Colorado has joined the District of Columbia to determine if it is lawful to narrow the definition of sexual harassment and adjudicating conduct that fall outside of that jurisdiction.

Further discussion included the responsibility and liability of Fraternities and Sororities and it was reported that based on the new directional scope that the policies do include those entities on campus. The discussion also included what recourse there is for students outside of the US and it was reported that Mines would resolve that conduct through the Student Code of Conduct. Other discussion included the disciplinary action taken against an employee who is aware of an amorous relationship but doesn’t report it and it was reported that the Faculty Handbook or chain of command would guide any action and it would be determined on a case by case basis.

Further discussion regarding why the Trustees were removed from the language and what the goal was in some of the subtle changes in the wording in the policies. There was also discussion regarding the alternative resolution process and how it will work as intended. Ms. Schmalzel noted that other institutions were using the restorative justice process and getting good results, noting it is a good option to more drastic consequences.

Ms. Schmalzel reported there is no governmental oversight on Mines compliance and only if a complaint is filed would the policy be reviewed. Ms. Merz-Hutchinson reported that Mines has endeavored to incorporate all that has been required and that Higher Education institutions are comparing notes and making sure there is appropriate level of support and protection from the Attorney General’s office. The new rules are fairly prescription and Mines has worked with counter parts at other Higher Ed institutions and they have been vetted collectively. The Attorney General’s office would represent Mines in the event of a challenge. *There was a typo noted on non-remunerated that needs to be fixed.*

Finally, the discussion wound up with defining past sexual history and what is admissible and, who can file a criminal complaint based on the language in the policy. Ms. Schmalzel provided an overview of how the complaints could be files and noted that Mines responsibility for the Clery Act remains unchanged. There was a brief follow up on how records are kept and how informal reporting is retained.

Trustee Burgess motioned to approve the Title IX policies as presented; seconded by Trustee Sanders.

Approved 6-0.

***BE IT RESOLVED*** *that the Board of Trustees of the Colorado School of Mines approves the proposed amendments to the Policy Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence, the Amorous Relationships Policy, and the Unlawful Discrimination Policy.*

Chairman Jorden asked if there were any updates on the Fall semester. President Johnson reported that students begin to move in on Sunday and, that students have already moved into 1750 Jackson Street residence hall. The move-in has been spread over five days to reduce the number of people on campus. He noted the grand opening for 1750 Jackson Street residence Hall the following day.

Mr. Han provided an update on testing that begins on campus on Sunday. He reported that Mines has contracted with Covid Check Colorado and noted that the testing site would be in the Ford Lot off of Jones Road. He noted the details are still being worked out but will be testing all residence students when they move in. Mr. Han reported that Mines has quarantine and isolation rooms. He reported that testing will occur for all residence students throughout the semester every couple of weeks and having on campus is critical. The Health Center will be testing symptomatic students.

Dr. Holz provided an overview of enrollment projection noting Mines is currently at 1167 Freshman, plus international and 180 transfers. 1190 incoming new students for Fall. He reported there is an increase in deferrals at about double the normal deferral rate per semester or full year. He reported Mines is under the target however, still very strong noting a much slower rate of melt than other institutions.

Dr. Fox reported on Oredigger Camp noting there has been two held thus far. 130 students at the first one and 115 students at the second one. He reported it was all held virtually and the last one is on August 18th with 225 students participating. Dr. Fox noted the importance to begin an immediate process of connecting students to their Oredigger family and a good opportunity to underscore the Oredigger pledge. He reported that the RA’s are back and have started training.

President Johnson provided information on listening sessions held with the BIPOC students and campus constituents and has three or four concrete and specific items to move forward with. He noted that they all fit within the strategic plan and were working on already.

Dr. Tompkins reported on how research is going campus wide and noted that regardless of the discipline there is about 10% efficiency lost being at an in home only mode. She reported that at least 85-95% of those needing access to campus are getting it. She reported the research award numbers strong and comparable to last year and projections for this year are good. Dr. Tompkins cautioned for total numbers due to the unevenness across campus with newer faculty just starting careers and being held back due to COVID. There is concern about the category of folks that are dealing with the perfect storm in child care, etc.

Ms. Volpi reported that FY20 ended stronger than initially thought, approaching $16 million to the good. She reported there is a good feeling going into FY21 noting the conservative budgeting going into the year. Unless there are significant deferrals or other real changes occur on census September 10, then Mines should be in good shape. There was brief discussion regarding possible push back from students about tuition for online versus in-person tuition and Ms. Volpi reported that Colorado schools are making no changes to tuition. Mines has done a good job blending in-person and online education

Chairman Jorden asked how everyone is holding up during this challenging time. It was noted that people are working very hard this summer with very few breaks. On behalf of the Board Chairman Jorden noted they are all grateful for what everyone has done and has complete confidence in and completely behind all the faculty, staff and administration.

There being no further business the meeting was adjourned.



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Anne Stark Walker, Secretary