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MINNESOTA
OFFICE OF
HIGHER
EDUCATION

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**Minnesota Office of Higher Education
Government-to-Government Tribal Nations Consultation Policy**

Purpose

The purpose of this policy is to develop, improve and maintain the positive government-to-government relationship between the Minnesota Office of Higher Education ("Office") and all federally recognized Minnesota Tribal Nations by:

- Implementing stated processes, when the Office develops, changes or approves policies, programs, or services with tribal implications; and
- Aligning with all state and federal laws, regulations and tribal laws.

Policy Statement

The Minnesota Office of Higher Education ("Office") seeks to continue its positive government-to-government relationship between the Office and all federally recognized Minnesota Tribal Nations in order to fulfill the agency's mission to advance the promise of higher education to all Minnesotans and provide the critical information that guides higher education decisions.

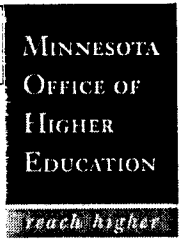
In order to continue to promote this successful consultation and collaboration between the Minnesota Tribal Nations and the Office, the following guiding principles will be followed:

- Acknowledgement of the unique relationship between the federal government, state government and tribal nations;
- Commitment to a government-to-government relationship with all federally recognized tribes within Minnesota;
- Recognition of tribes as the appropriate parties for making their policy decisions and managing programs for their constituents;
- When tribal officials request consultation, the Office will honor the tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors; and
- We will build upon already established and on-going relationships between tribal and state officials.

Scope

This policy applies to all programs and divisions within the Office and shall guide meaningful consultation, coordination and cooperation between the Minnesota Tribal Nations and the Office in higher education policy development and implementation.

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Definitions

Consultation: Consultation, for the purposes of this policy, is a process of meaningful communication and coordination between the Office and tribal officials prior to taking actions or implementing decisions that may be impactful to Minnesota Tribal Nations. Consultation includes several methods of interaction that may occur at different levels. It is an open and free exchange of information and opinions among parties which emphasizes trust, respect, and shared responsibility.

Statutory or other regulatory references

On November 5, 2009, President Barack Obama signed an executive memorandum reaffirming the government-to-government relationship between American Indian tribes and the federal government, and directing each executive department and agency to consult with tribal governments prior to taking actions that affect that population.

On August 8, 2013, Governor Mark Dayton issued Executive Order 13-10 affirming the government-to-government relationship between the state of Minnesota and the eleven federally recognized Minnesota tribal nations. The order asserts that all executive branch agencies, including the Office, “shall recognize the unique legal relationship between the State of Minnesota and the Minnesota Tribal Nations, respect the fundamental principles that establish and maintain this relationship, and accord Tribal Governments the same respect as accorded to other governments”.

Policy

The Office will consult, as defined in this document and as practicable and permitted by law, with Minnesota Tribal Nations and the Tribal Nations Education Committee (See Appendix) before taking action that may be impactful to tribes. Coordination, collaboration and/or consultation is needed when any proposed policies, programs, or actions are identified by the Office and/or one or more of the Minnesota Tribal Nations as having a substantial effect on one or more Minnesota Tribal Nations.

It will be the Office’s policy to conduct timely communication and meaningful consultation as outlined within this policy with Minnesota Tribal Nations and the Tribal Nations Education Committee. Elected officials and other authorized representatives will have an opportunity to provide meaningful and timely input to proposed policies, programs, or actions that may affect Minnesota Tribal Nations.

Responsibilities

The Office’s Deputy Commissioner will serve as the staff member responsible for the annual update and ongoing implementation of this policy. The Office’s manager responsible for administering the Minnesota Indian Scholarship Program will serve as the principal point of contact for all tribal consultation requests made by either an elected or appointed member of a Minnesota Tribal Nation or an appointed member of the Tribal Nations Education Committee.

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Implementation

Certification

Upon initial employment and annually thereafter, each employee of the Office must certify their understanding of this policy and their commitment to integrate this policy into programs, projects and planning as they relate to this policy.

Employee Training

To promote authentic and respectful relationships between the Office and Minnesota Tribal Nations and empower employees to work effectively with Minnesota Tribal Nations, upon approval, employees of the Office will participate in training about American Indian tribal governments, histories, cultures and traditions.

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Appendix

Tribal Nations Education Committee (TNEC) Background

The State of Minnesota and the Office recognize and support the unique status of the Minnesota Tribal Nations and their right to existence, self-government, and self-determination. Tribal Nations exercise inherent sovereign powers over their members and territory. In 2007, exercising the right of self-determination, elected leaders of Minnesota Tribal Nations created the Tribal Nations Education Committee (TNEC). The committee was established by Tribal resolution and is currently supported through resolutions of both the Minnesota Chippewa Tribe – Tribal Executive Committee and the Minnesota Indian Affairs Council. Committee membership is comprised of appointed representatives from all eleven Minnesota Tribal Nations and representatives from the Twin Cities Metro Area, greater Minnesota and the Minnesota Chippewa Tribe (MCT). The TNEC guides and informs prekindergarten through grade 12 education and higher education policy throughout the state.