

UNIVERSITY OF MINNESOTA

BOARD OF REGENTS

Educational Planning & Policy Committee

May 13,

2004

A meeting of the Educational Planning and Policy Committee of the Board of Regents was held on Thursday, May 13, 2004 at 9:45 a.m. in the East Committee Room, 600 McNamara Alumni Center.

Regents present: Maureen Reed, presiding, Anthony Baraga, Peter Bell, William Hogan, and Richard McNamara.

Staff present: Chancellor Kathryn Martin; Senior Vice President & Provost Christine Maziar; Senior Vice President Robert Jones; Vice President Kathryn Brown; Interim Vice President David Hamilton; Acting General Counsel William Donohue; Executive Director Ann Cieslak; Provost David Carl; and Associate Vice Presidents Sheila Ards and Gail Klatt.

Student Representatives present: Bobak Ha'Eri and Tom Zearley.

**BOARD OF REGENTS POLICY: *SPONSORED GRANTS AND CONTRACTS***

Senior Vice President Maziar introduced Interim Vice President Hamilton, who led the discussion. Hamilton stated that proposed revisions to Board of Regents Policy: *Sponsored Grants and Contracts* include changes to ensure consistency with Board of Regents Policy: *Reservation and Delegation of Authority* and to increase the threshold for significant grants from one to two percent of the prior year's externally funded research expenditures.

A motion was made and seconded, and the committee voted unanimously to recommend approval of proposed amendments to Board of Regents Policy: *Sponsored Grants and Contracts*.

**UNIVERSITY ENTERPRISE LABORATORIES, INC.**

Senior Vice President Maziar introduced Interim Vice President David Hamilton, who led the discussion of the proposed resolution to provide financial support to University Enterprise Laboratories, Inc (UEL). The committee also reviewed a support agreement and the membership of the UEL Board of Directors (in the docket materials and on file in the Board Office).

In response to a question from Regent Hogan, Maziar indicated that UEL's initial focus on biotechnology was the result of the need for wet laboratory space, but that UEL will be available for use by researchers in a wide variety of disciplines.

A motion was made and seconded, and the committee voted unanimously to recommend approval of the resolution.

**CONFLICT OF INTEREST: POLICY ISSUES**

Senior Vice President Maziar, Interim Vice President Hamilton, and Assistant Vice President Richard Bianco led the discussion. Maziar noted that a discussion of policy issues related to conflicts of interest was precipitated by the current review of all Board policies as well as by the University's obligation to the National Institutes of Health to periodically review Board of Regents Policy: *Conflict of Interest*. She reminded the committee that actual conflicts of

interest are not allowed, so the University's goal always has been to help faculty and staff manage potential conflicts. Hamilton added that conflicts of interest do pose a risk to the institution and it is through this policy that they must be mitigated.

Maziar reported that there is a range of opinion among institutions on what constitutes conflict of interest, especially for universities with medical schools conducting human subjects research. Consequently, one component of the policy review will be to determine if a separate policy is needed to address potential conflicts of interest in that area.

The committee expressed support for:

- the development of a straightforward and clear policy that avoids bureaucratic red tape;
- benchmarking against applicable trade association policies;
- improved educational efforts regarding potential conflicts of interest; and
- the inclusion of language to address conflicts of interest in such areas as future employment, minimum disclosure thresholds, and relationships with for-profit and not-for-profit organizations.

### **UNIVERSITY OF MINNESOTA, DULUTH MISSION & SERVICE TO STUDENTS - OVERVIEW**

Senior Vice President Maziar introduced Chancellor Martin and Vincent Magnuson, Vice Chancellor for Academic Affairs, who led the discussion. Martin and Chris Verhaeghe, a University of Minnesota, Duluth (UMD) student and participant in the *Vision 2010* initiative, related the results of student focus group interviews in the areas of academics, advising and retention, and campus life (as presented in the docket materials and on file in the Board Office).

Martin reviewed recent trends in enrollment, tuition, and advising and retention. UMD's enrollment has risen from 7,900 in 1995 to 10,114 this academic year, an increase achieved primarily through improved retention. Rising enrollments also have been accompanied by a shift in UMD's geographic draw, with the majority of students now coming from the Twin Cities metropolitan area rather than from northeastern Minnesota. She also observed that tuition at UMD is the highest among peer public institutions in Minnesota, a disparity that may be difficult to maintain in future years. She concluded her remarks with a survey of technology enhancements that have improved student advising and retention rates.

Maziar explained federal reporting requirements that make it difficult to accurately assess graduation and retention because a campus is not credited when students transfer and graduate from another University campus. Regent Reed asserted that the University's measurement process should not disadvantage any campus that is doing their part to retain and successfully graduate students.

In response to questions from several Regents, Martin acknowledged that one of the major challenges for UMD will be to maintain access and enrollments in the face of rising costs and declining state support. This will be especially true for UMD's relationships with tribal colleges.

The committee agreed on the need to revisit the issue of access on a future agenda.

### **STUDENT ADMISSIONS: RECENT SUPREME COURT DECISIONS AND THE UNIVERSITY'S PROCESS**

Senior Vice President Maziar introduced Acting General Counsel William Donohue and Associate General Counsel Barbara Shiels, who led the discussion. Donohue summarized the Supreme Court's rulings in two cases involving the University of Michigan. In its June 2003 ruling, the Supreme Court:

- recognized many benefits of diversity and deferred to the University of Michigan's educational judgment that diversity is essential to its educational mission;
- upheld the admissions plan of the University of Michigan Law School based on its narrowly-tailored use of race; and
- struck down the University of Michigan's undergraduate admissions plan as unconstitutional because its use of

race was mechanistic and inflexible.

Shiels stated that the Office of the General Counsel (OGC) conducted a number of training seminars, including two University-wide programs during the summer of 2003. Subsequently, the OGC has conducted additional training and implemented a review and formal certification process that all 17 units administering admissions programs must complete by Fall 2004. The goal of the review and certification process is for all admissions documents to meet constitutional standards and be consistent within an admitting program. A copy of the presentation is on file in the Board Office.

In response to a question, Donohue explained that according to the Supreme Court's ruling, race cannot be the only diversity factor considered for admission, but it can carry additional weight. The University, however, has not assigned specific weight to race, relying instead on a holistic review that considers many factors. Shiels added that each admitting program of the University defines diversity differently. In some programs, measures of disadvantage are an effort to look at race-neutral alternatives that increase diversity, an approach supported by the Supreme Court.

Regent Hogan noted that this month's discussion was not intended to be a policy discussion, but an opportunity to update the committee regarding the Supreme Court's rulings and the status of University admissions policies relative to those rulings. He requested that at a later date the committee schedule a policy discussion to assess the Supreme Court's rulings relative to established University goals.

### **CONSENT REPORT**

A motion was made and seconded, and the committee voted unanimously to recommend approval of the following, as detailed in the revised Consent Report and the docket materials:

#### **New academic programs:**

- College of Agricultural, Food and Environmental Sciences – New Bachelor of Science (B.S.) Major in Applied Plant Science
- College of Education and Human Development – New Post-Baccalaureate Certificate Program in Adult Literacy
- College of Liberal Arts – New Bachelor of Arts (B.A.) Major in Ancient Mediterranean Studies
- College of Veterinary Medicine – New Post-Baccalaureate Certificate Program in Clinical Training
- College of Veterinary Medicine – New Post-Baccalaureate Certificate Program in Foreign Graduate Clinical Training
- College of Veterinary Medicine – New Post-Baccalaureate Certificate Program in Swine Medicine

#### **Name Changes to Academic Programs:**

- School of Public Health – Master of Public Health (M.P.H.) Degree

Program in Public Health Administration and Policy

- Discontinuation of Academic Programs and Majors:
- College of Agricultural, Food and Environmental Sciences – Bachelor of

Science (B.S.) Degree Program in Crop, Soil, and Pest Management

- College of Education and Human Development – Post-Baccalaureate

Certificate Program in School-to-Work

### **INFORMATION ITEMS**

Executive Vice President and Provost Maziar referred committee members to the docket materials.

The meeting adjourned at 11:50 a.m.

**ANN D. CIESLAK**  
**Executive Director and**  
**Corporate Secretary**