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**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**MINUTES**

**BOARD OF REGENTS' MEETING**

**AND**

**REGENTS' COMMITTEE MEETINGS**

**September 10-11, 1992**

**Office of the Board of Regents**

**220 Morrill Hall**



UNIVERSITY OF MINNESOTA

BOARD OF REGENTS

Minutes of the Board of Regents' Meeting  
and Regents' Committee Meetings

September 10-11, 1992

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**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**September 10, 1992**

A meeting of the Board of Regents was held on Thursday, September 10, 1992, at 9:00 a.m. in the Regents' Room, 238 Morrill Hall.

Regents present: Regents Anderson, Craig, Keffeler, Kuderer, Neel, A. Page, M. Page, Reagan, Roe, Rosha, Sahlstrom, and Wynia. President Hasselmo presided.

Staff present: Chancellor Wilhelmson; Senior Vice Presidents Erickson and Infante; Vice Presidents Anderson and Hughes; General Counsel Rotenberg; Executive Director Muesing; Associate Executive Director Janzen; Associate Vice President Perlmutter; Assistant Vice President Vikmanis.

**UNIVERSITY OF MINNESOTA HOSPITAL & CLINIC (UMHC)  
STRATEGIC PLANNING OVERVIEW**

Vice President Anderson led the discussion regarding University of Minnesota Hospital & Clinic (UMHC) strategic planning activities. He stated that these activities are in response to the Board of Regents' January 1992 request to develop a UMHC Strategic Plan, noting that the Strategic Plan will be presented to the Board for review at the October meeting and approval in November.

General Counsel Rotenberg reviewed the legal guidelines for the discussion. He noted that there are limited exceptions to the Minnesota Open Meeting Law, stating that discussions regarding specific marketing activity of a public hospital and contracts entered into pursuant to that activity may be shielded from public disclosure. Therefore, he indicated that the portion of the discussion pertaining to UMHC marketing activity will be closed.

Dr. Anderson reviewed the Mission Statement for the Health Sciences, and discussed the vision of the Health Sciences and the University Hospital & Clinic for 1999.

Dr. David Brown, Dean of the Medical School, discussed the importance of a viable University Hospital to the teaching, research, and service components of the University and the Health Sciences. He reviewed a list of top-ranked university-based research centers which have closely associated hospitals on or near campus, stating that the University of Minnesota competes within this realm. Dr. Brown reviewed a comparison of revenue sources for Medical School expenditures for fiscal year 1987 and 1992, noting that the University of Minnesota Medical School and UMHC expenditures total approximately \$550 million.

Kris Johnson, Chair of the UMHC Board of Governors, discussed the importance of increasing the number of inpatients in order for UMHC to fulfill its teaching and research missions and insure financial viability. Without a strong hospital, she stated that the Medical School and Health Sciences will not be strong and the University will be less able to position itself as a strong research institution. To position itself for the future, the Board of Governors has concluded that the UMHC must be cost competitive; offer superior service to patients, families and referring physicians; provide superior clinical outcomes; demonstrate that the care provided is superior; change external relationships and increase outreach activities to insure access to patients statewide; and align with other providers in formal relationships to insure access to managed care patients.

Greg Hart, General Director of UMHC, reviewed the environmental and market trends that are forcing the UMHC to restructure its clinical enterprise in order to maintain its patient base. In response to an issue raised by Regent Sahlstrom, Mr. Hart stated that the University will provide leadership to help change the direction taking place in the state health care system, including participation in the implementation of the Minnesota Care legislation.

Mr. Hart reported that it appears three major health care systems will dominate the Twin Cities private health care market in the future. As a result, he noted that UMHC's market share declined from 6.4 percent in 1988 to 6.2 percent in 1991, in addition to a decline in its market share of patients referred from outside the metropolitan area. Regent Neel noted that the health care environment in the Twin Cities is the most challenging in the country.

Mr. Hart expressed concern that this trend will continue unless UMHC makes major changes. He reported that three internal initiatives relating to cost reduction, improvements in quality of service, and demonstration of clinical outcomes are underway to strengthen UMHC's competitive position. In addition, he stated that the UMHC's relationships with the community health care system must change in a number of ways.

Mr. Hart reported that the UMHC's prices typically are not competitive, noting that inpatient charges average 20 percent above the market. Dr. Anderson concurred with Regent Neel's comment that this is a national problem with university hospitals, however, he stated that UMHC should be able to improve significantly.

Dr. Anderson noted that there is no single solution to the current situation, and stated that UMHC is on the edge of not being able to fulfill its mission because of an insufficient patient base.

Regent Keffeler stated that it is her understanding that the University produces a good share of practicing physicians and hospital administrators, and she asked how the University is faring in its ability to populate the health care systems with which it collaborates and competes. Dr. Anderson responded that he feels the University can do better in that arena, including focusing on physician graduates' feelings toward the institution. He stated that Minnesota Care is a tremendous reason to concentrate more of UMHC's educational efforts outside the Twin Cities.

President Hasselmo expressed appreciation to the individuals who participated in the presentation.

Regent Kuderer moved to recommend approval of the following resolution, and the motion was seconded by Regent Craig:

RESOLVED, that on the recommendation of the President and as provided by Minnesota State Statute 144.581 Subd. 5, a non-public meeting of the Board of Regents be held at 10:30 a.m. on Thursday, September 10, 1992, in Room 238, Morrill Hall, for the purpose of discussing University of Minnesota Hospital & Clinic marketing activity.

The committee voted unanimously to recommend approval of the resolution.

The meeting adjourned at 10:10 a.m.

  
**BARBARA MUESING**  
**Executive Director and**  
**Corporate Secretary**

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Physical Planning and Operations Committee**

**September 10, 1992**

A meeting of the Physical Planning and Operations Committee of the Board of Regents was held on Thursday, September 10, 1992, at 4:20 p.m. in the Regents' Room, 238 Morrill Hall.

Regents present: Regent Roe, Chair; Regents Anderson, Craig, Kuderer, Neel, and Wynia.

Staff present: Chancellor Sargeant; Senior Vice President Erickson; Associate Executive Director Janzen; Associate Vice Presidents Barbatsis, Hewitt, Markham, and Paschke; and Assistant Vice President Cram.

Student Representatives present: David Dahlgren and Brian Swanson.

**SENIOR VICE PRESIDENT'S MONTHLY REPORT**

The committee voted unanimously to recommend approval of the Senior Vice President's Monthly Report for September 1992.

**PURCHASE OF GOODS AND SERVICES OVER \$250,000**

The committee voted unanimously to recommend approval of a resolution authorizing the appropriate staff to award pending purchases/contracts over \$250,000 as presented in the docket materials.

In response to a question regarding a proposed contract for Creative Foods, Inc. to provide concessions services for University of Minnesota sports facilities, Mr. Paschke explained that the financial savings of using the proposed vendor will amount to approximately \$50,000 per year. It was noted that the contract being entered into with Creative Foods will be a five-year contract effective June 30, 1993 with an option for renegotiation at the end of five years. Mr. Paschke explained that the original five-year time period was negotiated so that the concessionaire will have time to recover its initial capital investment.

Regent Wynia asked about the Booster Clubs and groups that had worked at these concessions in the past. It was reported that, if the contract is approved, those groups would be notified of the change, and the new company would decide if those groups would be utilized.

**PURCHASE OF GOODS AND SERVICES OVER \$250,000**

The committee reviewed a proposal for outsourcing of University of Minnesota food distribution to dormitories, the University Hospitals Nutrition Department, and cash operations (cafeterias) for the Twin Cities campuses.

Charles Lawrence, Assistant Vice President for Food and Housing Services, presented background information indicating that Food Stores has

been in operation since the mid-1950's, operating as a warehouse operation to receive, store, and deliver food and related items to the University Hospital, cash units (cafeterias), and residence halls. Operation costs were covered through a mark up on items sold to the three customers and at any given time up to 25 vendors are selling products to Food Stores on a "bid" basis. During spring 1992, the idea of going to a single vendor was investigated and the results of that investigation indicated that the University could save up to 9.4% annually by making the change. In addition to the food cost savings, benefits would also include reductions of delivery vehicles on campus, storage space needed at each unit, and University funds tied up in inventory. In response to a question, Assistant Vice President Lawrence reported that six full-time University employees will be affected by the change.

Several committee members expressed concern about the small businesses that would be affected by the change. In response, Assistant Vice President Lawrence stated that in some cases, the small companies would still be able to bid for supplying their goods to the University through the new vendor. In addition, Assistant Vice President Cram noted that there are other areas where the University supports small businesses, indicating that the University of Minnesota has a small-business program where it proactively seeks business from small and minority-owned businesses. During the past fiscal year, the University achieved 175 percent of its goal in this area.

It was noted that this item will be on the agenda in October for action.

#### **PROJECTS PREVIOUSLY SUBMITTED FOR INFORMATION**

The committee voted unanimously to recommend that the appropriate administrative officers are authorized to proceed with the design and construction of the following projects:

- a. Moos Tower - 5th Floor  
Biomedical Engineering, Phase III-A, Minneapolis Campus  
Estimated cost of the project: \$631,000  
Funding: Medical School Indirect Cost Recovery Funds and Central Reserves  
Estimated completion date: August 1993
- b. Coffman Memorial Union, Alterations to 5th Floor, Twin Cities Campus  
Estimated cost of the project: \$169,000  
Funding: President's Office and Alumni Association  
Estimated completion date: Phase I - October 1992; Phase II - March 1993

#### **REAL ESTATE TRANSACTION PREVIOUSLY SUBMITTED FOR INFORMATION**

The committee voted unanimously to recommend approval of the following resolution relating to a real estate transaction previously reviewed:

- a. RESOLVED, that on the recommendation of the President and the Senior Vice President for Finance and Operations, the appropriate administrative officers are authorized to sell 43.38 acres in Government Lot 1 to Frank and Dolores Lundin for the sum of \$6,200 and 25.40 acres in Government Lot 11 to Roland Wivoda for the sum of \$8,550.

## **PROJECTS PRESENTED FOR INFORMATION**

### **Jackson Hall Floors 2 & 3 Biomedical Engineering Phase III-B Nuclear Magnetic Resonance Spectrometer Facility Twin Cities Campus**

This project will involve remodeling of approximately 2,600 square feet of space in Jackson Hall to house three magnets for the Nuclear Magnetic Resonance (NMR) Facility. The remodeled space will include a NMR Spectrometer Room, Computer Work Station Room, Drafting Room, Head Researcher's Office and Assistant Researcher's Office. Estimated cost of the project was reported to be \$454,262, with funding to be provided from a program accommodation remodeling fund, the Medical School, and the Office of the Vice President for Health Sciences. Estimated completion is June 1993.

### **Phillips-Wangensteen Laboratory Remodeling Room 6-1-- Diabetes Twin Cities Campus**

This project consists of general, mechanical, and electrical work required to convert existing office space in the Phillips-Wangensteen Building into research laboratory space for Patient Culture Screening. The work will include new flooring, partitions, doors, painting, vinyl base, ceilings, laboratory casework, and furniture. Estimated cost of the project was reported to be 380,000, with funding provided from the School of Medicine and Program Accommodation Remodeling Funds. Estimated completion is April 1993.

### **Boynton Health Service Addition and Remodeling - Phase I Twin Cities Campus**

This project provides for the construction of a four-floor, 6,800 square feet addition to the north side of the existing Boynton Health Service. Also included in the project is internal remodeling to Boynton Health Service to provide for the relocation of the pharmacy, registration, patient accounting, cashier, insurance functions, and handicapped accessibility.

Through the use of visual aids, Linda McCracken-Hunt, Director of Project Development, provided the committee with background information and details of the project.

Dr. Donald Peters, Director of Boynton Health Service, was also present and responded to several questions posed by Student Representative Swanson.

Estimated cost of the project was reported to be \$2.1 million, with funding to be provided from Boynton Health Service. Estimated completion is March 1994. Action on the item will be requested at the October meeting.

### **Washington Avenue Replacement Ramp Twin Cities Campus**

Director Linda McCracken-Hunt reported that this project provides for the replacement of the existing Washington Avenue Parking Ramp, the adjacent metered parking spaces and the C-4 Contract Lot. The ramp will consist of 262,400 gross square feet (gsf) consisting of 663 net replacement parking spaces, elevators and stairs, including parking for handicapped vans not currently available at this location. Offices for Parking Services, Transit Services and the Police Department will be moved to this site. A pedestrian tunnel connection across Washington Avenue will also be provided which will allow for the light

rail transit if that project were to become a reality. In addition, Ms. McCracken-Hunt reported that provisions are being made for possible skyway connections to the Electrical Engineering/Computer Science Building, the hotel and the future Earth Sciences project.

Regent Anderson asked how much of an increase in parking fees it would take to build the skyway system. Senior Vice President Erickson responded that he could provide that information as well as information on the issues involved in constructing a skyway system.

In response to a question from Regent Craig, it was reported that a temporary parking lot will be provided to accommodate cars that are displaced during construction.

It was reported that the estimated cost of the project will be \$10.2 million, with funding to be provided from an internal loan to be repaid by Parking Services. Estimated completion is November 1993.

**REAL ESTATE TRANSACTION PRESENTED FOR INFORMATION**

**Construction of Building by Itasca Community College  
at the North Central Experiment Station**

The committee reviewed a proposed resolution that would authorize the construction of a 500 square foot building by Itasca Community College on land leased from the University at the North Central Experiment Station in Grand Rapids, Minnesota. It was reported that, upon approval of the resolution, the current lease for the Itasca Community College campus would be amended to include the 1,600 square foot site located north of the currently-leased land and an easement for an electrical line to serve the building. Legislative concurrence for this project involving construction of a building on University land would be requested. The building would be owned by the State of Minnesota, Minnesota State Board for Community Colleges, Itasca Community College, which would be responsible for all construction and on-going operations and maintenance costs. It was noted that the superintendent of the North Central Experiment Station has recommended that this building project be approved.

The meeting adjourned at 5:30 p.m.

  
**BARBARA MUESING**  
Executive Director and  
Corporate Secretary

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Finance and Legislative Committee**

**September 10, 1992**

A meeting of the Finance and Legislative Committee of the Board of Regents was held on Thursday, September 10, 1992, at 3:15 p.m. in the Regents' Room, 238 Morrill Hall.

Regents present: Regent Anderson, Chair; Regents Kuderer, M. Page, Roshia, Sahlstrom, and Wynia.

Staff present: Senior Vice President Erickson; Associate Executive Director Janzen; Associate Vice President Paschke; Assistant Director of State Relations Peterson.

Student Representatives present: David Dahlgren and Rachel Paulose.

**SENIOR VICE PRESIDENT'S MONTHLY REPORT**

The committee voted unanimously to recommend approval of the Senior Vice President for Finance Monthly Report for September 1992.

As part of the report, Senior Vice President Erickson reported that the search for the Associate Vice President for Budget and Finance is in final stages with interviewing of candidates to begin soon.

He then called on Associate Vice President Paschke who reported that the University is considering a fundamental shift to primarily index fund strategies for the management of the U.S. equity portion of the University's endowment. Mr. Paschke explained the rationale for the shift, noting that research to date indicates that the University may be able to achieve greater results at lower cost through index fund strategies. He stated that he will inform the committee if this shift will be made after further analysis has been completed.

Regent Kuderer asked a question regarding the report on Central Reserves contained in the Monthly Report. He indicated that a significant decrease is projected in the balance of the Central Reserves by June 30, 1993 and asked what the commitments on Central Reserves represent. Senior Vice President Erickson responded that the commitments were detailed in the budget presented in July, adding that some of the items represent contingencies that may or may not be used.

**INVESTMENT MANAGER REPORT**

The committee reviewed the investment performance strategies and outlook of Piper Capital Management for the University's fixed income investments and the University of Minnesota Foundation.

Associate Vice President Paschke introduced Mr. Worth Bruntjen and Ms. Marijo Goldstein, of Piper Capital Management, who presented the information and responded to questions from the committee. Mr. Paschke stated that Piper Capital Management manages approximately \$25 million in fixed income assets for the University and its performance for the University has been superb. For the past fiscal year, the University's portfolio was up by 25 percent, adding about \$3 million over a three-year period.

Mr. Bruntjen reviewed the approach and management style used by Piper Capital Management, indicating the key points used in building the University's fixed income investment portfolio.

Ms. Goldstein presented the portfolio characteristics, identifying differences with other indices used for comparison.

Chair Anderson thanked Mr. Bruntjen and Ms. Goldstein for their outstanding presentation.

#### **LEGISLATIVE STRATEGY**

Donna Peterson, Director of State Relations, presented an update on legislative activity. She reported that she has been visiting legislators throughout the summer and fall and will continue to do so. Topics of her conversations have related to the impact of recent cuts made at the University; University employees supported by state tax dollars versus employees supported by private funds; the public/private partnership; the steam plant decision; and changes at the University of Minnesota, Crookston.

She reported that a plan of action is being prepared to develop a grassroots campaign for carrying the University's message to the legislature. However, most legislators are presently concerned with the November election and she expects a better reception to University issues following the election.

It was noted that the next legislative session begins on January 5, 1993.

The meeting adjourned at 4:05 p.m.

  
**BARBARA MUESING**  
Executive Director &  
Corporate Secretary

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Faculty, Staff and Student Affairs Committee**

**September 10, 1992**

A meeting of the Faculty, Staff and Student Affairs Committee of the Board of Regents was held on Thursday, September 10, 1992, at 4:20 p.m. in Room 300, Morrill Hall.

Regents present: Regent Sahlstrom, presiding; Regents Keffeler, M. Page, and Reagan.

Staff present: Chancellor Johnson; Senior Vice President Infante; Vice President Hopkins; Executive Director Muesing; Associate Vice President Carrier.

Student Representatives present: Joe Errington and Corey Mitteness.

**SENIOR VICE PRESIDENT'S MONTHLY REPORT**

Senior Vice President Infante presented the Senior Vice President's Monthly Report, which was included in the docket materials, to the committee for approval.

Regent Keffeler moved to recommend approval of the Senior Vice President's Monthly Report, and the motion was seconded by Regent Reagan.

Dr. Infante noted the appointment of Thomas Duff as Acting Dean of the School of Business and Economics, Duluth campus, effective August 1, 1992. He distributed a supplement regarding the appointment of James Stephenson as Head Coach of the Women's Gymnastics Team, effective September 1, 1992.

Dr. Infante clarified an item contained in the report, noting that President Hasselmo has approved a request from the Carlson School of Management to adjust the 1992-93 non-resident tuition increase for the MBA Program from 21 percent to 14 percent.

Dr. Infante noted the appointment of Dr. Beth Elaine Allen to the Curtis L. Carlson Chair in Economics and the appointment of Dr. James A. Stimson to the Arlene Carlson Chair in Political Science. He also reported on the Human Resources consolidation and an October 29, 1992 statewide teleconference on combating racism and bigotry on college campuses. Dr. Infante discussed the efforts of the Twin Cities Campus Committee on Smoke-Free Indoor Air, stating that current plans are for the policy to become effective in the fall of 1993.

The committee voted unanimously to recommend approval of the Senior Vice President's Monthly Report, including the supplement.

### **REGENTS' POLICY ON FACULTY AND STAFF VACATION**

Regent Keffeler moved to recommend adoption of the revised Regents' Faculty and Staff Vacation Policy, and Regent Reagan seconded the motion.

The committee voted unanimously to recommend adoption of the revised Regents' Policy on Faculty and Staff Vacation.

### **REGENTS' POLICY ON ACCESS TO STUDENT RECORDS**

Regent Keffeler moved to recommend adoption of the revised Regents' Policy on Access to Student Records, and the motion was seconded by Regent Reagan.

Vice President Hughes reviewed the proposed policy revisions, noting that students will be able to utilize electronic mail and the definition of "Directory Information" contained in the policy will be expanded. She indicated that both revisions will significantly improve the quality of service to students, and students will be able to choose whether or not to use the services.

The committee voted unanimously to recommend adoption of the revised Regents' Policy on Access to Student Records.

### **QUARTERLY REPORT ON ACADEMIC PERSONNEL ACTIONS**

Vice President Infante presented the quarterly report on regular faculty and academic professional/administrative personnel actions effective since July 1, 1992.

Associate Vice President Carrier indicated that the annual report on academic personnel items will be presented at the November meeting. In response to an issue raised by Regent Sahlstrom, Dr. Carrier stated that although she is not yet satisfied with the results, she is satisfied with the reporting mechanism that has been developed to monitor the University's progress.

Regent Sahlstrom expressed appreciation to Dr. Carrier for her report.

The meeting adjourned at 4:35 p.m.

  
**BARBARA MUESING**  
Executive Director and  
Corporate Secretary

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Educational Planning and Policy Committee**

**September 10, 1992**

A meeting of the Educational Planning and Policy Committee of the Board of Regents was held on Thursday, September 10, 1992, at 3:05 p.m. in Room 300, Morrill Hall.

Regents present: Regent Craig, presiding; Regents Keffeler, Neel, Reagan, and Roe.

Staff present: Chancellors Ianni and Johnson; Senior Vice President Infante; Vice Presidents Allen, Hopkins, Hughes, and Petersen; Executive Director Muesing; Associate Vice Presidents Brenner and Carrier.

Student Representatives present: Darius Casey and Karen Schlangen.

**SENIOR VICE PRESIDENT'S MONTHLY REPORT**

Senior Vice President Infante reviewed the Senior Vice President's Monthly Report, which was included in the docket materials. He presented the following item to the committee for approval:

- Ph.D./Master of Arts/Master of Science Minor in Medieval Studies, Twin Cities Campus

Regent Reagan moved to recommend approval of the new minor, and the motion was seconded by Regent Neel. The committee voted unanimously to recommend approval of the proposed program.

Dr. Infante discussed the following items, which were included in the report:

- Selection of Minnesota as the permanent home for the Midwestern Higher Education Commission (MHEC), which will be located in the FMC Building on the West Bank
- Development of common procedures for transfer appeals for all colleges on the Twin Cities campus
- Appointment of the University Workload Task Force, chaired by Professor Carl Adams, to develop institution-wide principles on faculty workload
- Continuation of quality improvement plans

- Activities of the University of Minnesota Outreach Council, chaired by Vice President Allen
- Report on accreditation and program reviews from Arts, Sciences and Engineering and Graduate School programs
- Higher Education Coordinating Board (HECB) items -- program approvals and discontinuation of the state's participation in the Western Interstate Commission for Higher Education (WICHE)

Regent Craig noted the extensive participation of faculty and staff in University committee activities.

Regent Neel moved to recommend approval of the Vice President's Monthly Report, and Regent Keffeler seconded the motion. The committee voted unanimously to recommend approval of the Senior Vice President's Monthly Report.

#### **APPOINTMENT OF HORMEL FOUNDATION TRUSTEE**

Regent Keffeler moved to recommend approval of the appointment of Dr. Harald H. Schmid to the Hormel Foundation Board of Trustees, and Regent Neel seconded the motion. The committee voted unanimously to recommend approval of the following resolution:

RESOLVED, that on the recommendation of the Vice President for Research and Dean of the Graduate School, Dr. Harald H. Schmid is appointed to the Hormel Foundation Board of Trustees for a one-year term, effective September 15, 1992.

Senior Vice President Infante and Vice President Petersen reported on the current financial difficulties of The Hormel Institute. The Institute Director has been asked to develop a five-year strategic plan by November 1, 1992, which will be reviewed by outside consultants. Dr. Infante stated that the Board of Regents will be kept informed regarding this matter.

#### **MASTER OF LIBERAL STUDIES, UMD**

Regent Keffeler moved to recommend approval of the proposed Master of Liberal Studies program at the University of Minnesota, Duluth (UMD), and Regent Neel seconded the motion.

The committee voted unanimously to recommend approval of the program proposal.

#### **REGENTS' POLICY ON ACADEMIC MISCONDUCT**

Regent Keffeler moved to recommend adoption of the Regents' Policy on Academic Misconduct, and the motion was seconded by Regent Neel.

Associate Vice President Brenner stated that the proposed policy strengthens current practices and procedures for addressing issues of academic misconduct, it is fair to complainants and respondents, and it will allow cases to be resolved in a timely manner. In addition, he noted that a proactive process of instruction and leadership will be in place within the University community to avoid such situations initially.

Regent Keffeler asked the administration to provide a comparison of the proposed policy with those of other major institutions regarding critical areas, such as treatment of whistle blowers, conflict of interest, and public disclosure of the nature of the action. She wants to understand how the procedures followed in the cases currently receiving attention would differ under the proposed policy. Regent Keffeler indicated that she would consider adoption of the proposed policy temporary and conditional, pending receipt of the comparative analysis.

Regent Neel concurred with the request for comparative information. He stated that the message must be clear that the University expects integrity in all areas, including scientific research and patient care.

Student Representative Karen Schlangen raised a concern regarding possible conflict of interest as a result of granting the dean of the unit in which the case originated responsibility for administration of the proposed policy. Dr. Brenner stated that the rationale is that the dean would have the greatest expertise in the field, noting that the Senior Vice President for Academic Affairs has the authority to become involved if it appears there is a potential conflict of interest.

Dr. Infante and Dr. Brenner briefly addressed the issues raised during the discussion. In response to a request by Regent Keffeler, they stated that it would be a problem to delay adoption of the proposed policy pending review of the comparative data. Dr. Infante indicated that the comparative data will be provided at the October meeting.

In response to Student Representative Darius Casey, Dr. Infante stated that once adopted, the policy can be amended.

Following the discussion, the committee voted unanimously to recommend adoption of the Regents' Policy on Academic Misconduct.

Committee members expressed appreciation to Dr. Brenner for his work on developing the policy.

#### **M.A. AND Ph.D. IN RHETORIC AND SCIENTIFIC AND TECHNICAL COMMUNICATION**

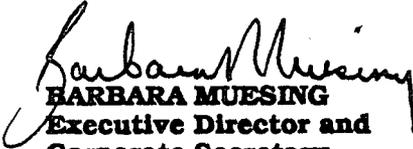
Senior Vice President Infante reviewed a proposal for an M.A. and Ph.D. in Rhetoric and Scientific and Technical Communication. He stated that the program requires a minimal reallocation of resources. Dr. Infante noted that graduate students from the program will teach upper level composition, which will have an impact on undergraduate instruction, particularly for Institute of Technology students. Vice President Petersen stated that the proposal is the result of extensive consultation and negotiations between various units, noting that the program will meet an unmet need and be an appropriate use of faculty resources.

In response to an issue raised by Regent Keffeler, Billie Wahlstrom, Head of the Department of Rhetoric, stated that the department previously hired graduate students who had exhausted their fellowships in other disciplines. She indicated that the department has begun the process of replacing those students with students who are majoring in Rhetoric.

Student Representative Karen Schlangen indicated that she hopes the proposed program will resolve the complaint that University engineering and science graduates do not have technical communication skills.

Following the discussion, Regent Craig stated that this item will be presented for approval at the October meeting.

The meeting adjourned at 4:05 p.m.

  
**BARBARA MUESING**  
**Executive Director and**  
**Corporate Secretary**

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Committee of the Whole**

**September 10, 1992**

A meeting of the Committee of the Whole of the Board of Regents was held on Thursday, September 10, 1992, at 2:15 p.m. in the Regents' Room, 238 Morrill Hall.

Regents present: Regent Kuderer, presiding; Regents Anderson, Craig, Keffeler, Neel, M. Page, Reagan, Roe, Rosha, Sahlstrom, and Wynia.

Staff present: President Hasselmo; Chancellor Wilhelmson; Senior Vice Presidents Erickson and Infante; Vice Presidents Anderson, Hopkins, Hughes, and Petersen; General Counsel Rotenberg; Executive Director Muesing; Associate Executive Director Janzen; Associate Vice Presidents Perlmutter and Potami; Assistant Vice President Tschida.

Student Representative present: Rachel Paulose.

**STATUS REPORT ON THE ANTI-LYMPHOCYTE GLOBULIN (ALG) PROGRAM**

Regent Kuderer stated that the discussion regarding the Anti-Lymphocyte Globulin (ALG) Program was scheduled in response to recent publicity. Vice President Anderson asked Dr. John Najarian, Chair of the Department of Surgery, to discuss the adequacy of the policies and reporting procedures that are in place and the Federal Drug Administration (FDA) investigation of the use of ALG.

Dr. Najarian commented on the development and use of ALG, which began in the late 1960's. As a result of unsuccessful efforts to have the drug produced outside the University, it has been produced internally and is currently used in approximately 150 transplant centers nationwide. He noted that two or three deaths have resulted from improper administration of ALG, and the University was tardy in reporting that information to the FDA.

Dr. Najarian stated that the University filed a petition with the FDA in 1971 to investigate ALG as a new drug. Tests to demonstrate ALG's safety, efficacy, and potency began in the early 1970's, and an application to obtain final FDA approval was submitted in 1988. The FDA required the University to build a separate facility devoted to ALG production. Dr. Najarian indicated that construction of the facility was financed by the ALG program, and the University is still waiting for final approval by the FDA. The facility employs approximately 70 regular employees and 30 part-time student employees.

Dr. Anderson stated that Dr. Najarian addressed the key issues. He indicated that this is a complicated situation, and stressed the importance of finding an external company to produce ALG.

Regents Keffeler and Neel raised concerns regarding oversight and record keeping. Dr. Najarian indicated that the University has appropriate oversight and that

he accepted responsibility for past record keeping problems. The transplant program recently received a \$6 million grant from the National Institutes of Health as a result of the work of the University's transplant team, and Dr. Najarian noted that ALG is an important part of that work.

Regent Craig stated it is unfortunate that there has been negative publicity concerning a product that deserves accolades. Regent Anderson stated that the University should be proud about the production of ALG, and he congratulated Dr. Najarian for his work.

In response to Regent Wynia's concerns, Dr. Najarian discussed the financial aspects of ALG. He reported that construction of the ALG facility did not begin until sufficient funds had been accumulated, noting that construction took several years at an approximate cost of \$13.5 million.

In response to an issue raised by Regent Reagan regarding staffing needs, Dr. Najarian stated that the infrastructure supporting these activities was insufficient in the past. He noted that computer equipment was recently purchased and the intent is to hire a staff person to work solely on FDA issues. In addition, President Hasselmo stated that there has been considerable progress and investment in the Office of Research and Technology Transfer Administration, and he noted that the Regents' Policy on Academic Misconduct will be presented for adoption this month at the Educational Planning & Policy Committee meeting.

Following the discussion, Regent Kuderer expressed appreciation to Dr. Najarian for his report.

The meeting adjourned at 3:00 p.m.

  
**BARBARA MUESING**  
Executive Director and  
Corporate Secretary

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Committee of the Whole**

**September 11, 1992**

A meeting of the Committee of the Whole of the Board of Regents was held on Friday, September 11, 1992, at 8:30 a.m. in the Regents' Room, 238 Morrill Hall.

Regents present: Regent Kuderer, Chair; Regents Anderson, Craig, Keffeler, Neel, A. Page, M. Page, Reagan, Roe, Rosha, Sahlstrom, and Wynia.

Staff present: President Hasselmo; Chancellors Ianni, Johnson, Sargeant, and Wilhelmson; Senior Vice Presidents Erickson and Infante; Vice Presidents Allen, Hopkins, Hughes, and Peterson; General Counsel Rotenberg; Executive Director Muesing; Associate Executive Director Janzen.

Student Representative present: Rachel Paulose.

**RECOGNITIONS**

**Truman Scholarship Recipients**

The committee recognized Christine VeLure and Anne Bodley for being selected as finalists to receive Truman Scholarships. Chair Kuderer reported Ms. VeLure and Ms. Bodley were 2 of 54 finalists that were selected from 1,230 nominated for these scholarships and that criteria for receiving these scholarships include academic excellence and community service.

**Civil Service Committee Members**

President Hasselmo recognized Anne Caton, Karen Prince, Barbara Weiler, and Jean Goldsberry, Chair of the Civil Service Committee, for their distinguished service on the committee.

Ms. Goldsberry briefly addressed the committee, and introduced Pam Wilson, the new Chair of the Civil Service Committee. Ms. Wilson introduced the following new members of the Civil Service Committee:

Sylvia Brown, Executive Assistant  
Office of the Vice President for Student Affairs

Carol Siegel, Program Associate  
Professional Development and Conference Services Department

Larry Etkin, Editor  
Minnesota Extension Service and Minnesota Agricultural Experiment  
Stations

Margaret Von Hellwig,  
Rodney Briggs Library  
University of Minnesota, Morris

Kenneth White, Senior Staff Member  
Office of Equal Opportunity and Affirmative Action  
Ex Officio Member of Civil Service Committee

On behalf of the Board, Regent Kuderer expressed appreciation to the members of the Civil Service Committee for their work.

#### **Minnesota Alumni Association Presentation**

Margaret Carlson, Executive Director of the Minnesota Alumni Association presented members of the Board with a commemorative brick from the demolition of Memorial Stadium. Ms. Carlson briefly addressed the committee indicating that to date 2,100 bricks have been sold toward the goal of 3,500 bricks; sale of the bricks will continue through the last football game on November 21; and net proceeds from the sale will go for scholarships. Recognition was given to Jeff Sturkey, Director of Special Events for University Relations; Teresa Scalzo, Associate Editor for Minnesota Magazine, Minnesota Alumni Association; and Ron Johnson, Director of Marketing and Membership for the Minnesota Alumni Association for their work in helping to make the program successful.

#### **REGENTS' POLICY ON BOARD OPERATION/AGENDA GUIDELINES**

Regent Keffeler presented the proposed Regents' Policy on Board Operation/Agenda Guidelines for adoption. She briefly reviewed changes proposed since review of the policy at the Board retreat, indicating that most of the changes were made to clarify original intent.

The committee voted unanimously to recommend adoption of the Regents' Policy on Board Operation/Agenda Guidelines.

#### **FY 94-FY98 ENROLLMENT POLICY**

Associate Vice President Peter Zetterberg led a discussion relating to a proposed University of Minnesota enrollment plan for the period FY94-FY98. Dr. Zetterberg reviewed information contained in the report from the Enrollment Management Committee which included a review of enrollment trends and patterns over the past six years, principles setting forth enrollment management strategy, and a recommendation that enrollment be kept at approximately current levels for the next five years. It was reported that University Administration supports the committee's recommendation.

A resolution was reviewed that proposed the following enrollment plan for FY94-FY98:

1. The University will maintain undergraduate enrollment at the approximate projected FY93 level of 31,800 full year equivalent (FYE) students;
2. The University will maintain graduate and professional/graduate professional enrollments at the approximate projected FY93 levels of 7,250 and 6,850 FYE students respectively; and

3. The University will establish recruitment, admissions, and retention strategies at the Undergraduate, graduate, and professional/graduate professional levels that will provide the headcount enrollments necessary to maintain these FYE enrollments.

Dr. Zetterberg explained that the objectives of the proposed plan are to stabilize FYE enrollment at current levels in order to preserve existing funding per student levels, as well as stabilize tuition revenue at anticipated levels. In addition, the proposed enrollment targets are designed to meet two objectives regarding the balance among the undergraduate classes and the ratio of new high school (NHS) students to new advanced standing (NAS) students on the Twin Cities campus. They will 1) restore the ratio of NHS to NAS students to approximately 2/1; and 2) restore the balance among the classes, so that by FY98 there will again be more freshmen than seniors on the Twin Cities campus.

The committee engaged in an extended discussion. Student Representative Paulose asked if there were safeguards for retaining minority students. Senior Vice President Infante responded that one of the guiding principles of the proposed policy is that the University's enrollment goals must be responsive to diversity goals and objectives, particularly the objective that 10 percent of the University's students should be students from minority groups. In addition, achieving diversity goals is a part of a new major initiative to centralize admissions and make it more effective.

Regent Keffeler asked how the plan will affect recruitment of resident and non-resident students and whether or not the profile of students will change. Associate Vice President Zetterberg stated that he would expect a more aggressive recruitment of students from within the state, with higher ability students targeted. He stated that he does not anticipate that the profile of students will change significantly under the plan.

In answer to a question, President Hasselmo indicated that cooperation among all of the higher education systems in the state will be key to serving the students in the future.

In answer to a question regarding recruitment of high ability students, Dr. Wayne Sigler, newly-appointed Director of Admissions, was introduced and asked to respond. Dr. Sigler stated that the best technique for recruiting is to emphasize your product - the academic reputation of the school, along with honor and scholarship opportunities. Personal contacts and the role of alumni also play an important part for recruitment.

Regent Anderson expressed concern about those students that will be unable to attend the University because of limited enrollment. He asked if students are made aware of other educational opportunities when they receive rejection letters. Dr. Sigler responded that this is a major principle included in the new admissions processing plan and that efforts will be made to provide students with information on options available to them. Regent Anderson asked if he could receive a copy of a typical rejection letter when the new processing plan is put into place.

The committee then discussed the criteria for making admissions decisions, the importance of appropriate preparation in high school, and the means of reviewing applicants who fall short of the University's admissions requirements. It was also noted that units within the University have different levels of admissions criteria that are appropriate to their mission.

President Hasselmo concluded by stating that it is easy to become technical when talking about admissions, however, he wanted to stress that the University of Minnesota adheres to the fundamental principle of providing quality education to any student who wants help in meeting their educational goals. Only the requirements of producing quality education will prevent the University from that objective.

The item will be on the agenda for action in October.

### **LEGISLATIVE REQUEST**

President Hasselmo presented an initial draft of the Biennial Budget Request for fiscal year 1994-95, indicating that this draft represents the first of two stages of preparation for the Biennial Request. He stated that the Governor and the Department of Finance had asked the University to submit this draft outline with the Governor's Office proposing to review and respond to the draft during the second half of September.

President Hasselmo reported that the proposed plan contains an outline of the current base, a projected inflationary increase, and special initiatives that are beneficial to the state. These initiatives include the environment, public health and outreach, distance learning, and infrastructure. He also reported that the proposed plan does not recommend a specific solution to a stand-still budget. However, the plan does provide the implications of a stand-still budget in a table that illustrated 1) different percentages to meet inflationary increases; 2) different percentages of a potential tuition increase; and 3) the cutback necessary given certain assumptions concerning inflationary increases and tuition.

Regent Kuderer reported that members of the Board had reviewed and discussed the plan at their retreat September 2 and 3 and unless there were questions about the particular language or the direction contained in the draft, the administration can assume that this draft is proceeding in the right manner.

Regent Rosha asked what approach the other higher education systems have taken. President Hasselmo stated that while the approaches of the various systems are still in the development stage, there have been discussions with the other systems about the possibility of approaching some of the issues on a joint basis.

Student Representative Paulose distributed the results of a study completed by two professors from the Bureau of Sociological Research at the University of Colorado, Boulder. Included in this study was a section pertaining to the independence of Minnesota students and the uniqueness of their need for financial aid. Ms. Paulose stated that the Student Representatives found this study very interesting and feel that this should be brought to the attention of the legislature. Senior Vice President Infante responded that he had commissioned this study and has found this data very helpful in presenting information to the legislature.

## UPDATE ON UMW

Chancellor Wilhelmson and Vice President Allen presented an overview on the closure of the University of Minnesota, Waseca campus which included issues associated with the students, staff, equipment, and the campus.

Chancellor Wilhelmson addressed the committee sharing her personal perspectives on the final year of operation for the Waseca campus. She reported that the year was unique and challenging, interwoven with emotions of anger, sadness, and loss. However, the faculty, staff, and administration worked hard during the year to educate and provide services for the students. In turn, she commended the students for their enthusiasm, adaptability and commitment to the Waseca campus during the last year.

Chancellor Wilhelmson reported that during the past year there were two basic purposes to fulfill: 1) to operate the campus effectively by providing academic programs, services, and student activities; and 2) to provide transition for the faculty, staff, equipment, records, archival, and historical material. She feels both purposes were fulfilled in the best manner possible. She reported that the year proved to be better than expected due to a number of factors:

1. President Hasselmo set the foundation for closure by announcing that the closing of the campus was to be done in as humane a way as possible.
2. Financial resources were made available.
3. Students were very supportive.
4. Additional financial aid was provided.
5. A Student Transition & Assistance Center and a Faculty and Staff Transition Center were added.
6. Central Administration was very responsive.

Lastly, Chancellor Wilhelmson commended her administrative team for their work and support during the last year. Those individuals recognized were: Tom Yuzer, Director of Institutional Advancement; Kathryn Hanna, Vice Chancellor for Academic Affairs; Mike Rollefson, Director of Business Affairs; and Lowell Rasmussen, Director of Plant & Support Services.

Vice President Allen commended Chancellor Wilhelmson, the administration, faculty, staff, and students at the University of Minnesota, Waseca for their efforts during this trying time.

He further reported that it is anticipated that the moving of equipment, library holdings, etc. will continue through the end of October. At that time, he will provide a final report on the closing of the campus. He reported briefly on the status of faculty and the process of transferring equipment and then called on Senior Vice President Erickson who provided an update on the facility at Waseca.

Senior Vice President Erickson reiterated the comments of Vice President Allen, commending Chancellor Wilhelmson and her staff on their remarkable work during the past year. In terms of the status of the facility, he reported that the administration has been working with the city of Waseca on

transfer of the property noting that, for the benefit of the city and state of Minnesota, the reuse of the facility as soon as possible has been encouraged.

Chancellor Wilhelmson concluded the with a final statement and a presentation of the University of Minnesota, Waseca flag to the Board of Regents.

Chair Kuderer presented Chancellor Wilhelmson with a certificate from the Board of Regents expressing deep appreciation for her outstanding contributions to the University.

The meeting adjourned at 11:10 a.m.

  
**BARBARA MUESING**  
Executive Director &  
Corporate Secretary

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**September 11, 1992**

A meeting of the Board of Regents of the University of Minnesota was held on Friday, September 11, 1992, at 11:25 a.m. in the Regents' Room, 238 Morrill Hall.

Regents present: Anderson, Craig, Keffeler, Kuderer, Neel, A. Page, M. Page, Reagan, Roe, Sahlstrom, and Wynia. President Hasselmo presided.

Staff present: Chancellors Sargeant and Wilhelmson; Senior Vice Presidents Erickson and Infante; Vice Presidents Allen and Petersen; Executive Director Muesing; Associate Executive Director Janzen; and Associate Vice President Fischer.

**APPROVAL OF MINUTES**

The Board of Regents voted unanimously to approve the minutes of the following meetings:

Board of Regents' Meeting - July 9, 1992  
Audit Committee - July 9, 1992  
Physical Planning & Operations Committee - July 9, 1992  
Finance & Legislative Committee - July 9, 1992  
Faculty, Staff & Student Affairs Committee - July 9, 1992  
Educational Planning & Policy Committee - July 9, 1992  
Committee of the Whole - July 9, 1992  
Committee of the Whole - July 10, 1992  
Board of Regents - July 11, 1992

**REPORT OF THE PRESIDENT**

President Hasselmo presented his monthly report which pertained to the Mentoring Minnesota's Youth Program; the General Biology Program; the UMD Medical School; Planning and the State of the University; developing strategies for planning; the Biennial Budget Request; strategic planning in the Health Sciences; and recognition of Chancellor Nan Wilhelmson.

A copy of the President's Report is on file in the Regents' Office.

**REPORT OF THE CHAIR**

Chair Kuderer reported that members of the Board of Regents participated in a retreat September 2-3 at St. John's University. The retreat provided an opportunity for informal discussion of the President's vision, strategic planning issues, financial scenarios and legislative strategy. The second day of the retreat the Board met for lunch with the presidents and central

officers from St. John's University and the College of St. Benedict to discuss issues of mutual interest. He thanked President Hasselmo and Senior Vice Presidents Erickson and Infante for their participation at the retreat.

Chair Kuderer announced that he has appointed a Board of Governors Nominating Committee. Regent Craig will chair the committee with Regents M. Page and Sahlstrom to also serve. Kris Johnson, Chair of the Board of Governors and Vice President Anderson will participate as ex officio members. Suggestions for nominees are welcome and should be directed to any committee member. A slate will come for review in November and action will be taken at the December meeting.

He further reported that the Board will hold an open forum on Thursday, November 12, at the Humphrey Institute. Anyone who wishes to speak on any topic may do so by contacting the Regents' Office. Speakers will be limited to five minutes each.

Chair Kuderer distributed a letter written on behalf of the Board to Governor Carlson expressing serious concern about the financial situation at the University of Minnesota, particularly issues relating to tuition and reductions in appropriations. He urged members of the Board to share the letter with any interested parties, particularly any other members of the legislature that might benefit from the information contained in the letter.

#### **GIFTS**

Associate Vice President Fischer presented the monthly list of gifts to the University of Minnesota, the University of Minnesota Foundation, the Arboretum Foundation and the Minnesota Medical Foundation as listed in the docket material and on file in the Regents' Office. In addition, Mr. Fischer reviewed results of 1991-92 private gift support for the University of Minnesota, indicating that through the help and commitment of many individuals, it was an excellent year.

Chair Kuderer asked for approval of the gifts and introduced the following resolution in response to the private gift support from 1991-92:

To recognize the excellent results in private gift support for the benefit of the University of Minnesota in the academic year 1991-92,

The Board of Regents of the University of Minnesota hereby recognizes the excellent level of private gifts received for the benefit of the University in the 1991-92 academic year.

To the extensive network of donors and volunteers, we offer our heartfelt appreciation for helping the University of Minnesota create, maintain, and expand a margin of excellence among its students, faculty, and programs.

To all members of the University community who helped secure these gifts and commitments for future gifts--to central administration, chancellors, deans, directors, and faculty; and to the collegiate development officers and the central development staffs at the Minnesota Medical Foundation and the University of Minnesota Foundation--we extend a hearty "Well Done" and our profound sense of appreciation.

The Board of Regents voted unanimously to approve the gifts and resolution as presented.

#### **CONTRACTS AND GRANTS/APPLICATIONS AND AWARDS**

Vice President Petersen submitted for approval the contracts and grants/applications and awards as presented in the docket material and on file in the Regents' Office.

The Board of Regents voted unanimously to approve the contracts and grants/applications and awards.

#### **REPORT OF THE COMMITTEE OF THE WHOLE September 10, 1992**

Regent Kuderer, Chair of the committee, reported that the committee received a status report on the University of Minnesota's Anti-Lymphocyte Globulin (ALG) Program.

#### **REPORT OF THE COMMITTEE OF THE WHOLE September 11, 1992**

Regent Kuderer, Chair of the committee, reported that the committee voted unanimously to recommend approval of the following actions:

- a) Approval of resolution and Regents' Policy on Board Operation and Agenda Guidelines, as follows:

RESOLVED, that on the recommendation of the Agenda Guidelines Committee, the Board of Regents adopts the policy "Board Operation and Agenda Guidelines" as distributed at this Committee of the Whole meeting.

#### **BOARD OF REGENTS**

##### **Board Operation and Agenda Guidelines**

##### **Section I: The Authority and Role of the Board of Regents**

The Board of Regents is charged by the Minnesota Territorial Laws of 1851, Chapter 3, with the "*power and....duty to enact laws for the government of the University.*" This authority is primarily exercised through the selection, support, and assessment of the President of the University; the adoption of fundamental policies and plans; the delegation of specified authority to the President and, through the President, to other officers of the University; and the oversight of the institution's operation to ensure its welfare and adherence to fundamental policies and plans.

The Board of Regents delegates authority for specific actions, but it retains ultimate responsibility, imposed by Charter, for governance of the University. A further delineation of the authority and responsibility of the Board is contained in the Regents' Policy titled "Board Responsibilities and Individual Regent Responsibilities."

## **Section II: Operation of the Board of Regents**

- A. Public Accountability** -- The Board of Regents is a public entity, created to govern the University of the state of Minnesota under the provisions, obligations, and autonomy afforded through the Minnesota Territorial Laws and perpetuated by the Minnesota State Constitution.

The University of Minnesota is a public resource, responsible by Charter for a special role in serving the higher education needs of the citizenry, participating in the economic vitality and quality of life of the state, and positioning the state to contribute to issues of national and global significance.

The Board of Regents, through its regular review of policies and procedures, strives continuously to achieve the highest standard of accountability. To this end, the Board maintains an active relationship with the Minnesota State Legislature and the people of Minnesota. The meetings of the Board are conducted according to the spirit and intent of the Minnesota Open Meeting Law; the documents, minutes, and recordings related to the public deliberations of the Board are available to the citizenry; and open forums are held to provide opportunities for individuals and groups to convey their views directly to the Board on matters of interest.

- B. The Partnership of the Board of Regents and the University President** -- There is no more significant set of Board actions than the selection and assessment of the University President. The President's accomplishments, goals, objectives, and work plan are reviewed annually, and a report of the assessment review is publicly presented at a meeting of the Board of Regents.

The Board of Regents is responsible for setting the policy of the University, while the President is responsible for recommending and executing policy through management. Therefore, it is critical to have an effective partnership between the Board and the President--a relationship characterized by active, complete, timely, open, and direct communication, sustained by mutuality and trust. The importance of clear lines of communication is emphasized in the formal delegation of authority policies contained in the REGENTS' POLICY BOOK and in this policy of "Board Operation and Agenda Guidelines."

The Board of Regents, through the President, extends communication links with the University community. The Board meets regularly with key organizations of faculty, staff, students, and alumni.

### **C. Organization of Business**

1. **Meetings --** The Annual Meeting of the Board of Regents is held on the second Friday in June each year, unless otherwise determined by the Board of Regents (BYLAWS, Article IV, Section A). Regular meetings are held in accordance with a schedule approved at the Annual Meeting, usually on the second Friday and preceding Thursday of each month except August. Docket material for meetings is distributed to Regents one week prior to meeting dates, and is publicly available following distribution.
  
2. **Committee Structure --** The Board of Regents conducts its business through committees. Most actions that come to the Board are first considered and approved by one of the Board's standing committees. The committees are: Committee of the Whole; Educational Planning and Policy; Faculty, Staff, and Student Affairs; Facilities; Financial Operations and Legislative; and Audit (meets quarterly). Guidelines pertaining to the scope and function of the standing committees are found in Section IV of this policy.

Article VI of the Board of Regents' BYLAWS states that the Chair of the Board shall name, describe the mission, and recommend to the Board the number and the names of standing committees of the Board. Revising this policy on "Board Operation and Agenda Guidelines" is the suggested mechanism for the Chair to use to recommend future changes in committee structure.

3. **Responsibility of Board Officers for Meetings and Agendas --** The Chair of the Board is responsible for setting the agenda of the meetings of the Board and its committees, in consultation with the President and the Vice Chair and with the assistance of the Executive Director. The Chair of the Board presides over the meetings of the Committee of the Whole.

The President of the University presides over the meetings of the Board. The President is responsible for the substance of the recommendations that come to the Board in the agenda and docket.

The Vice Chair presides in the absence of the Chair and is responsible for participating with the Chair and the President in setting the agenda of the Board and its committees.

The Executive Director is responsible for maintaining the official records of the meetings of the Board and its committees, for managing the

monthly agenda and docket process, for advising the President regarding the standards and protocols of the Board meetings, for maintaining the official calendar, and generally for ensuring that logistical support is provided to allow the Board proceedings to be conducted in an open, timely, and accountable manner.

4. **Responsibilities of Committee Chairs --** The committee chairs preside over the meetings of their respective committees, ensuring the orderly, open, and timely conduct of committee business. The President (or designee) consults with committee chairs prior to committee meetings regarding background issues for the committee agendas.
5. **Regents' Calendar --** The Regents' Calendar is a continually adjusted, annual schedule of major actions and reports to be considered in the committees of the Board. The Regents' Calendar and all dates and timelines cited under this policy are subject to change.
6. **Agenda Development --** Article V, Section D, and Article VII, Section D, of the Regents' BYLAWS indicate that the President or the Chair of the Board has the authority to approve items of business for meetings of the Regents. In accord with the BYLAWS and the responsibilities of Board officers noted above, the procedure for agenda development includes the production of a tentative agenda based on the Regents' Calendar and items carried over from previous meetings. The primary focus of regular meetings of the Board is on matters of policy and governance.

The tentative agenda is first distributed for comment to central officers and Regents' committee chairs and then brought to a meeting of the President, Board officers, and the Executive Director of the Board to set the working agenda. Individuals or groups wanting to bring an item to the Board should address a written request to the Executive Director, who reviews the request with the Board officers. Any Regent wanting to bring an item to the agenda may make a request to the Board officers or may move to have the matter considered, in accordance with parliamentary procedure, during any meeting of the Board or its committees.

7. **Meeting Procedures --** Consistent with the Board of Regents' BYLAWS (Article V), ROBERT'S RULES OF ORDER are the rules of procedure for all meetings of the Board to the extent that they are not inconsistent with the law, the BYLAWS, or any special rule of the Board of Regents, including this

Regents' Policy on "Board Operation and Agenda Guidelines." Following ROBERT'S RULES, the Chair calls for a motion to be on the table before there is discussion at the meeting in which action is to take place. A motion is not needed to present or discuss reports that do not require action by the Regents. The Chair relies on ROBERT'S RULES as a guide to ensure an orderly process and fair opportunity for all Regents to participate in the discussion. The University General Counsel (or designee) serves as Parliamentarian.

Requests for action, or matters involving significant policy or financial impact, are submitted for review one month and for action the following month. When proposals are presented for review, all supporting material, including the proposed resolution, should be available in advance of the meeting, preferably in the docket. Routine items that meet the procedure and criteria of existing Regents' policy may be presented for concurrent review and action (e.g., purchasing contracts and personnel actions). The Board Chair may decide that special circumstances warrant that an item be placed on the agenda for concurrent review and action.

A formal "direction to staff," expressed as a motion, is the preferred way to convey a request for information or follow-up. The formal motion clarifies the intention of the Board.

Reports submitted to the Board that do not require action are officially noted by the Chair in the form of a statement to "receive and file."

At the discretion of the Chair of the Board, consistent with Section II. C. 6. above, "consent agenda" items may be included as a part of the agenda of any committee. Items so identified may be voted on without discussion. The monthly reports of the Senior Vice Presidents submitted to the standing committees provide a vehicle for establishing a "consent agenda," and are acted on as action items without previous review. The Chair or any member of the Board may request discussion or separate action on any report or "consent agenda" item.

8. Docket Materials -- The docket is the set of recommendations, supporting documents, and reports prepared for each item on an agenda of the Board and its committees. A docket sheet for each agenda item includes a statement related to the policy and financial impact of the item. The Regents' Office staff can offer assistance with the development of the docket sheet, and written and oral presentations.

### **Section III: Fundamental Planning Documents**

The ACADEMIC PLAN and the BUDGET are the two key plans, approved by the Board of Regents, through which the institution is governed.

#### **A. The Academic Plan**

The University ACADEMIC PLAN sets forth the major goals, objectives, and timelines for the on-going pursuit of the education, research, and service mission of the University. The plan is broad and far-reaching, with a time horizon of three to five years and a scope covering all campuses and programs of the University. The ACADEMIC PLAN is the major vehicle through which the University differentiates its role among the systems of higher education within the state of Minnesota, and through which the direction and priorities of the institution are articulated. The ACADEMIC PLAN is updated annually and recommended by the President to the Board for review/approval, preferably in May/June of each year. The ACADEMIC PLAN sets the framework for the University Budget.

#### **B. The Budget**

The University BUDGET is a two-part plan, setting forth the operating and capital requirements and authorizations for financing the activities of the University. The BUDGET includes all funds, (revenues and expenditures), all campuses, and all programs of the University. It incorporates historical background, projections, and performance measures. The operating budget is an annual plan; the capital budget has a six-year time horizon, updated annually. Both the operating and capital budgets are recommended to the Board by the President for review/approval, preferably in June/July, after approval of the ACADEMIC PLAN. The operating budget is organized by campus and college, summarized, and presented by vice presidential unit. Budget principles and parameters are customarily brought to the Board one month prior to the presentation of the BUDGET.

The annual budget for the University of Minnesota Hospital and Clinic is recommended to the Regents through the University of Minnesota Hospital and Clinic Board of Governors. It is a part of the University Budget, and is presented at the same time, with interdependence noted as appropriate.

On approval, the ACADEMIC PLAN and BUDGET provide the framework for Board oversight of institutional effectiveness and compliance. The President's annual report of goals, objectives and work plan, reviewed each year as part of the Presidential assessment process, reflect the key components of the institution's ACADEMIC PLAN and BUDGET.

## **Section IV: Committee Guidelines**

### **Committee of the Whole**

The Committee of the Whole meets during each set of monthly meetings of the Board of Regents, on a time schedule designed to accommodate the nature and number of items to be considered. The agenda items for the Committee of the Whole have the most fundamental importance and broad policy implications for the University.

The following items regularly come to the Board of Regents through the Committee of the Whole:

- The fundamental planning documents, the ACADEMIC PLAN and the BUDGET (operating and capital), come to the Committee of the Whole. Descriptions and timelines are noted in the previous section of this policy.
- The President's annual assessment report is brought to the Committee of the Whole as a supplement to planning documents.
- Legislative funding requests, including biennial and capital requests, are brought to the Committee of the Whole on a timeline consistent with deadlines for submission set by the state. The requests are in accord with the University's fundamental planning documents.
- The annual report of asset and debt management is a presentation of investment and debt performance, measured against comparable industry standards, and provided to the Committee of the Whole, normally in October.
- The annual financial report is a presentation, scheduled at the end of the calendar year, of the audited financial statements of the University, along with a narrative discussion of trends that measure progress in achieving University goals.
- The summary of expenditures for the Office of the President and the Board of Regents' Office is presented quarterly in November, February, May, and July.
- Other reports that come to the Committee include, but are not limited to, the University of Minnesota Hospital and Clinic Board of Governors, the Faculty Consultative Committee, the Minnesota Alumni Association, and the Athletic Directors. The Board Chair may "receive and file" these reports or request their formal presentation when the agenda is set. Any member of the Board may request that a report be brought forward for discussion.
- Other items and reports are placed on the agenda by the Chair of the Board or the President, as provided in the BYLAWS.

### **Educational Planning and Policy Committee**

- The Monthly Report of the Senior Vice President for Academic Affairs includes specific recommendations for new programs and program name changes, final program approval following review by the Minnesota Higher Education Coordinating Board, notification of significant issues and resulting actions raised by external accreditation agencies, and status reports on current issues of concern to the committee.
- The annual proposal for the addition or discontinuance of academic programs is presented for approval to the committee each fall, following Board approval of the University's ACADEMIC PLAN and BUDGET. Policy and budget implications are critical components of this annual proposal. Once approved, the specific proposals for new programs are reported in the Senior Vice President's Report.
- Reports on strategic plans of collegiate units come to the committee on a rotation schedule provided by the Senior Vice President for Academic Affairs. These presentations focus on ties to ACADEMIC PLAN, program directions, personnel policy issues, financial policy issues, areas of concern, and notable achievements.
- Appointments to boards and advisory committees that require approval of the Board of Regents come to the committee on a time schedule consistent with the Regents' Appointment Policy.
- Other items are placed on the agenda by the Chair of the Board or the President, or their designees, as provided in the BYLAWS.

### **Faculty, Staff and Student Affairs Committee**

- The Monthly Report of the Senior Vice President for Academic Affairs includes status reports on administrative searches and appointments, status reports on current issues of concern to the committee, and personnel items requiring committee action. These personnel items are initial appointments, special appointments, or leaves for the following categories and must have Board approval before they become effective:
  1. Chancellors
  2. Vice Presidents and General Counsel
  3. Deans
  4. Division I Athletic Directors
  5. Division I Head Coaches in Men's Football, Basketball, Hockey (Twin Cities), Hockey (Duluth); and Women's Volleyball, Basketball, Gymnastics, Softball (Twin Cities)\*

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\* Adoption of this policy will result in a change of wording in the policy "Delegation of Authority: Academic Personnel Matters" to make the appointments that require Regents' approval consistent.

No arrangements negotiated with individuals in the foregoing categories will be binding upon the University prior to Board approval.

- Quarterly summaries of academic personnel actions are presented each February, May, September and an annual report is presented in November. The summary information includes hiring, attrition, leaves, consulting, promotion and tenure, and information about progress toward diversity goals.
- Personnel items of special public interest or potential conflict, as provided in the Regents' Policy titled "Delegation of Authority: Academic Personnel Matters" come to the committee.
- Changes in the University Senate Constitution, Academic Professional and Administrative Staff Policies, and Civil Service Rules come to the committee as recommended by the Administration.
- The Regents approve all negotiated labor agreements. Negotiating parameters are reviewed with the Chair of the Board before and during the negotiating process.
- Other items are placed on the agenda by the Chair of the Board or the President, or their designees, as provided in the BYLAWS.

#### **Facilities Committee**

- The Monthly Report of the Senior Vice President for Finance and Operations includes status reports on administrative searches, facilities status reports, and miscellaneous facilities management reports.
- Quarterly project status and budget overview reports on the Capital Improvement Plan are presented to the committee each January, April, July, and October. The Capital Improvement Plan is reviewed and approved by the Committee of the Whole, as noted in the Guidelines for that committee.
- Amendments to the Capital Improvement Plan require Regents' approval and are submitted to the Facilities Committee.
- The committee approves schematic plans for all projects over \$1 million, all legislatively-funded capital projects, and other significant projects noted during the annual review of the Capital Improvement Plan.
- The committee approves any financial variances in excess of 10 percent of the total project cost listed in the approved Capital Improvement Plan or \$250,000, whichever is less.
- The committee approves real estate transactions as follows:

1. All leases for more than three years are approved;
  2. Purchases and sales of property come for first review before negotiations are started, and for action when a transaction is proposed.
- Other items are placed on the agenda by the Chair of the Board or the President, or their designees, as provided in the BYLAWS.

**Note:** These Facilities Committee guidelines replace the Board of Regents' Policy on Physical Planning and Operations Committee Agenda Guidelines (July 8, 1988 and March 10, 1989).

**Financial Operations and Legislative Committee**

- The Monthly Report of the Senior Vice President for Finance and Operations includes reports on accounts receivable, central reserves, debt management, and status of administrative searches.
- Quarterly reports come to the committee as follows:
  1. Asset and Debt Management  
(December, March, June with the annual report presented to the Committee of the Whole in October)
  2. Regents' Purchasing Policy Violations  
(March, June, September, December)
  3. Purchasing Report  
(March, June, September, December)
  4. Management Report including:  
All-funds Balance Sheet  
Statement of Changes in Fund Balance  
Budget Status by Campus, College, and Vice Presidential Unit (February, May, July, November)
- Changes to the Central Reserves Plan approved in the University Budget and exceptions to the Competitive Bid Policy are recommended to the committee when necessary.
- Contracts for Goods and Services over \$250,000 are approved by the Board monthly.
- Monthly reports on legislative issues come to the committee while the Legislature is in session, and as useful or requested during the remainder of the year.
- Other items are placed on the agenda by the Chair of the Board or the President, or their designees, as provided in the BYLAWS.

**Audit Committee**

- The Audit Committee meets four times a year in January, April, July, and November.

- The Quarterly Report of the Senior Vice President for Finance and Operations includes responses to previous requests regarding audit issues, reports on College and University Financial System (CUFS) management, and reports of other matters relevant to University audit functions.
- The Director of Audits presents a quarterly report of the work of the internal audit department. The committee also reviews and approves the annual audit plans of the Director of the Internal Audit Department.
- The Compliance Officer presents a quarterly report of compliance with the reports and recommendations of the Internal Audit Department.
- The Audit Committee recommends to the Board of Regents the independent public accountants who perform the annual audit of the University. The independent public accountants attend the quarterly meetings of the committee and advise the committee and the Board with respect to financial accounting and audit issues.
- The external auditors' annual audit of the University's financial statements is presented to the committee each November.
- The external auditors' "Report to Management" (management letter) is presented to the committee in January.

**Section V: Changes in this policy**

This policy will be reviewed every three years as part of the regular review cycle in place for review of all Regents' policies. As noted in Section II, The Chair of the Board may offer revisions for Board consideration at any time.

The Board of Regents voted unanimously to approve the recommendation of the Committee of the Whole.

Chair Kuderer reported that the committee also reviewed a proposed Enrollment Plan; reviewed an initial draft of the 1994-95 Legislative Request; and received an update on the closing of the Waseca campus. In addition, recognition was given to Truman Scholarship recipients and Civil Service Committee members. The Board was also presented with a gift from the Minnesota Alumni Association.

**REPORT OF THE FACULTY, STAFF &  
STUDENT AFFAIRS COMMITTEE**

Regent Sahlstrom, Chair of the committee, reported that the committee voted unanimously to recommend approval of the following actions:

- a) Approval of the Senior Vice President's Monthly Faculty, Staff and Student Affairs Report as listed in the docket material, including the supplement.

- b) Adoption of the resolution and revised Regents' Faculty and Staff Vacation Policy, as follows:

RESOLVED, that on the recommendation of the Senior Vice President for Academic Affairs and Provost, the proposed changes in the Regents' Faculty and Staff Vacation Policy are hereby adopted.

## **FACULTY AND STAFF**

### **Vacation Policy**

**Eligibility:** Academic employees must hold full-time (100%) twelve-month (A) appointment.\* There is an initial requirement of six months' employment before vacation may be taken. Unused vacation days may not be paid out with termination of service until the employee has worked a full eleven months. Academic appointments less than 100% worked time or less than twelve months in duration, do not accrue paid vacation. For those academic employees governed by the University Education Association (UEA), refer to the appropriate section of the current UEA agreement.

**Accrual:** Vacation is earned at the rate of one day following each completed semi-monthly pay period of service for a total of 22 days per year. There is no accrual for the twelfth month of service whether it is taken as vacation or worked. Vacation accrual continues during paid leaves of absence, e.g., faculty single-quarter leave, sabbatical furlough, professional & administrative professional development leave, and parental leaves (accrued vacation days may be used to extend parental leave). Vacation is not earned on unpaid leaves of absence or on disability leaves under the regents' policy. Vacation is not accumulative beyond one year's total accrual of 22 days, and it may not be paid in lieu of being taken. Unused vacation days are lost when the month in which the days were earned is older than one year. Under special circumstances, up to 22 days of earned vacation may be postponed into the following year. The number of deferred vacation days must be agreed to by the academic employee, the department head, and the dean or, in cases where there is no dean, the appropriate vice president. A signed agreement, including the rationale for deferral, must be attached to the employee's vacation record at the time of approval. The deferred vacation days must be utilized within the following year, otherwise they are forfeited. In no instance of continuing University employment, such as a different position within the University, may extra pay be granted for unused vacation.

**Termination of service:** Unused vacation days, up to a maximum of one year's accumulation of 22 days, may be paid when the individual ends University employment providing the employee has worked 100% time for eleven months. The vacation pay

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\* A-base appointments are eleven month appointments paid over twelve months. When A-base appointments are converted to the nine-month academic year, the salary is set at 9/11ths of the A-base. Because it is often inconvenient for the employee and the department to take a one month leave (22 days) at one time, the following vacation policy has been established.

should be identified on the Personnel Action Form (PAF) showing termination of appointment and the last day worked. Vacation may not be used to extend the period of appointment beyond the last day of work. A vacation record must be appended to the PAF documenting vacation days earned and taken. If non-University funding sources prevent vacation payout, the employee should be given the opportunity to use vacation time within the funding period, providing the eleven months' initial eligibility requirement is met.

**University Employees Assuming New Positions:** When an academic employee assumes a new academic position in a different department and has unused vacation days, there are two options: (1) unused vacation days may be taken before starting the new position, or (2) before starting the new position, arrangements may be made with the receiving department to use the vacation time prior to its expiration. In the second option, the new department will be reimbursed for unused vacation days at the rate of pay at which days were accrued. Vacation days will expire if not used within one year of the month in which they were accrued. There will be no waiting period if vacation is accrued in the new position.

When a **civil service employee** assumes an academic position, the civil service vacation days are handled according to civil service policy. If civil service vacation days are banked, a copy of the civil service vacation record and last rate of pay should be sent to the new department.

**Vacation records:** Vacation is to be scheduled at the mutual convenience of the department and the employee. The employee must submit a written request for specific days to the academic administrator for review and approval. Approved requests should be maintained in the employee's personnel file in the department to assure accurate recording. Academic vacation records are available from the Storehouse, Business Administration form number 1154, Stock Number GS92190.

- c) Adoption of the resolution and revised Regents' Policy on Access to Student Records, as follows:

RESOLVED, that on the recommendation of the Vice President for Student Affairs, the proposed changes in the Regents' Policy on Access to Student Records are hereby adopted.

## **STUDENT AFFAIRS**

### **Access to Student Records**

Students enrolled in the University are required to give certain information in order that the University may make reasonable judgments about them, provide services, and give informed advice regarding courses to be followed. Such personal data and information may become part of the student education record. Students may make the justifiable assumption that the University, as custodian of these data will preserve their private nature. By requiring or requesting such information, the

University gives assurance that the information will be protected against improper disclosure.

The University observes the following principles:

1. Appropriate University officials are held directly responsible and accountable for the careful protection of student education records against possible misuse.
2. Within the University, student education records will be used only for appropriate research, educational, and University administrative functions. Access to those records is allowed only to those members of the University community whose designated responsibilities reasonably require access or to persons whom the student has given written permission for access.
3. University officials responsible for the use of student records require that there be no communication of such records outside of the University except under proper authorization, or as provided elsewhere in this policy statement.
4. The University maintains a Directory of Student Education Records that a) lists the types and locations of records, b) designates the officials responsible for the records, c) states the administrative procedures governing student access to student education records on each campus of the University, and d) defines the conditions under which individuals other than the student may have a legitimate educational, administrative or research interest in such records.
5. The University provides the student with the right to access, inspect and obtain copies of all information in student education records except: a) financial information submitted by parents; and b) confidential letters and recommendations collected under established policies of confidentiality or to which the student has waived in writing the right of inspection and review.
6. The University gives students the right to request amendment of the contents of student education records, to have a hearing if the result of the request for amendment is unsatisfactory and to include a statement for inclusion in the record if the decision resulting from the hearing is unacceptable to the student.
7. The University notifies students annually of their privacy rights, their right to file complaints concerning alleged failures of the University to comply with their privacy rights, and the location of the University Directory of Student Education Records, where copies of the University policy and procedures on access to student records may be obtained.
8. The University maintains a record of external requests for information from student education records other

than directory information, and of the disposition of the requests.

The student education records of the University vary in their nature and location. Steps taken to protect against improper disclosure are designed for the circumstance.

## STUDENT EDUCATION RECORDS

### Directory Information

The student's name, address, electronic (E-mail) address, telephone number, dates of enrollment and enrollment status (full-time, part-time, not enrolled, withdrawn and date of withdrawal), major, adviser, college and class, academic awards and honors received, and in the event of the student's graduation, the degree received, are matters of public record or directory information. Therefore, University officials and departments may provide this information in answer to inquiries without requiring authorization from the student. However, students may prohibit disclosure of directory information during the term of their enrollment.

### Other Student Education Records

Student education records other than directory information include, but are not limited to, transcripts, test scores, college advising records, disciplinary files, financial aid information, housing records and records of educational services that are provided to students. Such records are not disclosed to anyone except:

- a. the student, and others on written authorization by the student;
- b. persons within the University who have a legitimate interest in the information for educational, administrative, or research purposes;
- c. other educational institutions in which the student seeks to enroll; provided the disclosure is limited to official copies of student transcripts or test scores from the appropriate University office;
- d. other organizations conducting educational research studies; provided the studies are conducted in a manner which will not permit identification of students, and the information will be destroyed when no longer needed for the purpose for which the study was conducted;
- e. persons in compliance with a court order or lawfully issued subpoena; provided that a reasonable attempt is made to notify the student in advance of compliance thereof;

- f. appropriate persons in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals;
- g. accrediting organizations and state or federal education authorities when the information is needed for auditing, evaluating or enforcing legal requirements of educational programs; provided the accrediting organizations and authorities protect the data in a manner which will not permit the personal identification of students, and personally identifiable information is destroyed when no longer needed;
- h. appropriate persons or agencies in connection with a student's application for or receipt of financial aid to determine eligibility, amount or conditions of financial aid.
- i. Parents of a dependent student as defined under the Internal Revenue Code.

**OTHER RECORDS**

The University maintains other records which contain information about students.

Information in medical or psychological counseling records, including results of examinations by University physicians, psychiatrists, and psychologists, is afforded greater protection. The University obtains such information with a commitment as to its highly private nature. Such records should not be disclosed, except (a) under direct written authorization by the student, or (b) pursuant to a court order signed by a judge; or (c) as otherwise required by law.

University police, employment, and hospital records contain information about students, but are not student education records, and are not covered by this policy. University offices responsible for such records maintain and observe information release policies that protect the subjects of such records against improper disclosure and are consistent with applicable laws.

The Board of Regents voted unanimously to approve the recommendations of the Faculty, Staff and Student Affairs Committee.

Chair Sahlstrom reported that the committee also reviewed the Quarterly Report on Academic Personnel Actions.

**REPORT OF THE PHYSICAL PLANNING &  
OPERATIONS COMMITTEE**

Regent Roe, Chair of the committee, reported that the committee voted unanimously to recommend approval of the following actions:

- a) Approval of the Senior Vice President's Monthly Physical Planning and Operations Report which included reports pertaining to purchasing, project status, property accounting, and

miscellaneous items as presented in the docket material and filed in the Regents' Office.

- b) Approval of resolution re Purchase of Goods and Services over \$250,000 as follows:

RESOLVED, that on the recommendation of the President and the Senior Vice President for Finance and Operations, the appropriate staff are authorized to award pending purchases/contracts over \$250,000 as presented to the committee in the docket material and filed in the Regents' Office.

- c) Approval of resolution regarding projects previously submitted for information, as follows:

RESOLVED, that on the recommendation of the President and the Senior Vice President for Finance and Operations, the appropriate administrative officers are authorized to proceed with the design and construction of the following projects:

- a. Moos Tower - 5th Floor  
Biomedical Engineering, Phase III-A, Minneapolis Campus  
Estimated cost of the project: \$631,000  
Funding: Medical School Indirect Cost Recovery Funds and Central Reserves  
Estimated completion date: August 1993
- b. Coffman Memorial Union, Alterations to 5th Floor, Twin Cities Campus  
Estimated cost of the project: \$169,000  
Funding: President's Office and Alumni Association  
Estimated completion date: Phase I - October 1992; Phase II - March 1993
- d) Approval of resolution regarding a real estate transaction previously approved:
- a. RESOLVED, that on the recommendation of the President and the Senior Vice President for Finance and Operations, the appropriate administrative officers are authorized to sell 43.38 acres in Government Lot 1 to Frank and Dolores Lundin for the sum of \$6,200 and 25.40 acres in Government Lot 11 to Roland Wivoda for the sum of \$8,550.

The Board of Regents voted unanimously to approve the recommendations of the Physical Planning & Operations Committee.

Regent Roe reported that the committee reviewed several projects for information which included remodeling of the second and third floors of Jackson Hall (Biomedical Engineering Phase III-B for the Nuclear Magnetic Resonance Spectrometer Facility; remodeling of the Phillips-Wangensteen Laboratory; Boynton Health Service Addition and Remodeling; and replacement of the Washington Avenue Parking Ramp. All of the projects are located on the Twin Cities campus. In addition, the committee reviewed one real estate item for information relating to construction of a building by Itasca Community College at the North Central Experiment Station.

### **REPORT OF THE FINANCE & LEGISLATIVE COMMITTEE**

Regent Anderson, Chair of the committee, reported that the committee voted unanimously to recommend approval of the following action:

- a) Approval of the Senior Vice President's Monthly Finance and Legislative Report including accounts receivable, central reserves, debt management, and miscellaneous items as presented in the docket material and filed in the Regents' Office.

The Board of Regents voted unanimously to approve the recommendation of the Finance & Legislative Committee.

Regent Anderson reported that the committee also received an Investment Manager Report presented by representatives from Piper Capital Management and received a legislative update.

### **REPORT OF THE EDUCATIONAL PLANNING & POLICY COMMITTEE**

Regent Craig, Chair of the committee, reported that the committee voted unanimously to recommend approval of the following actions:

- a) Approval of the Senior Vice President's Monthly Educational Planning and Policy Report as presented to the committee in the docket material and including the following item:
  - o Approval of a Ph.D./Master of Arts/Master of Science Minor in Medieval Studies, Twin Cities campus
- b) Approval of resolution re Appointment of Hormel Foundation Trustee, as follows:

RESOLVED, that on the recommendation of the Vice President for Research and Dean of the Graduate School, Dr. Harald H. Schmid is appointed to the Hormel Foundation Board of Trustees for a one-year term, effective September 15, 1992.

- c) Approval of resolution re Master of Liberal Studies, UMD, as follows:

RESOLVED, that the proposal for a Master of Liberal Studies (M.L.S.) degree at the University of Minnesota, Duluth (UMD), is hereby approved.

The Board of Regents voted unanimously to approve the recommendations of the Educational Planning and Policy Committee.

Chair Craig reported that the committee also voted unanimously to recommend approval of the Regents' Policy on Academic Misconduct and moved its approval. The motion was seconded.

Regent Wynia asked for clarification in the policy relating to disciplinary actions and salary reduction. She asked if an individual is asked to pay back a month's pay, does it constitute salary reduction. Senior Vice

President Infante responded that "salary reduction", as it is referred to in the policy, would mean a permanent salary reduction, not a one time action.

Regent Wynia expressed concern about how questions of misconduct have been handled in the past. She stated that she hoped with the passage of this policy, a strong signal will be given to employees of the University of Minnesota that the Board of Regents is seriously concerned about violations of this policy.

Regent Keffeler expressed concern about the media's interpretation of the proposed policy, noting that the article in the morning paper indicated the proposed policy will dilute the protection for the "whistleblower" and will dilute the definition of the standards of misconduct. She indicated her own impression was that the new policy is an improvement over past practice, but she wanted reassurance on that question. In particular, Regent Keffeler wanted comment on the areas of protection for the "whistleblower", conflict of interest, disclosure and the definition of misconduct.

Senior Vice President Infante responded by describing the procedures in the new policy which strengthened the areas of concern raised by Regent Keffeler.

Regent Keffeler agreed that the new policy appears to be forward looking, and noted that she awaits the comparative information requested by the committee which will provide demonstrative data as well as this testimonial assurance.

The Board of Regents then voted unanimously to approve the resolution and Regents' Policy on Academic Misconduct that follows:

**RESOLVED**, that on the recommendation of the Senior Vice President for Academic Affairs and Provost, the Regents' Policy on Academic Misconduct is hereby adopted.

## **FACULTY AND STAFF**

### **Policies and Procedures for Dealing with Academic Misconduct**

#### **INTRODUCTION**

Academic misconduct (defined below) undermines the scholarly enterprise in ways that go far beyond the waste of public or private funds. Although these are rare events relative to the large body of scholarly literature, violations inevitably appear in scholarly publications. As a leading research university, the University of Minnesota has a major responsibility not only to provide an environment that demands integrity but also to establish and enforce policies and procedures that deal effectively and judiciously with allegations or evidence of academic misconduct.

The University of Minnesota expects the utmost professionalism from its employees at all times and in all circumstances. University employees may not engage in actions that constitute misconduct in research or other scholarly activity.

In dealing with this problem it is important to avoid creating an atmosphere that might discourage openness and creativity. Exemplary and innovative science, scholarship, and artistic endeavors cannot flourish in an atmosphere of heavy regulation. Moreover, it is

particularly important to distinguish academic misconduct from honest error and the ambiguities of interpretation that are inherent in the scientific and scholarly process, but are normally corrected by further research.

Once an allegation of academic misconduct has been made, the procedures that should be pursued to resolve the allegation are detailed below in the following stages: (1) an inquiry to determine whether the allegation or related issues warrant further investigation, (2) when warranted, an investigation to collect and thoroughly examine evidence, (3) a finding and appropriate personnel action, (4) a hearing by procedures beyond this policy to be initiated by the respondent that will result in a formal finding, and result in (5) appropriate disposition of the matter.

#### **APPLICATION**

The policy and procedures set forth herein shall apply to all research, scholarly and artistic activities of all University employees and others who are involved in such activities<sup>1</sup> under the aegis of the University as part of their employment responsibilities. This policy and procedures shall not apply to consulting by University employees with entities outside the University carried out according to other applicable University policies (Disclosure of Conflict of Interest) except where considered appropriate under the circumstances of the alleged misconduct. Copies of the University of Minnesota Policies and Procedures for Dealing with Academic Misconduct shall be disseminated widely.

Due to the difficulties of investigating old claims and the unfairness to the respondent, allegations of misconduct that occurred seven or more years prior to the submission of the allegation will not be investigated unless the circumstances indicate that the alleged conduct was not discoverable earlier.

#### **DEFINITIONS**

**Academic Misconduct**<sup>2</sup> for the purpose of this policy shall mean the fabrication or falsification of data, research procedures, or data analysis; plagiarism; or other fraudulent actions in proposing, conducting, reporting, or reviewing research or other scholarly activity.

**Retaliation** shall mean any damaging action against a person who reports or provides information about suspected or alleged misconduct. Individuals alleged to have retaliated against others involved in an academic misconduct case shall be subject to the appropriate

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<sup>1</sup> In those instances in which it is not clear whether this policy should apply to an individual, the Scientific and Scholarly Activity Panel (described below) will adjudicate the question.

<sup>2</sup> Intent has been deliberately omitted as part of this definition, but should be considered if any disciplinary action is recommended. Scholastic dishonesty, as differentiated from academic misconduct defined by this policy, by a student in the performance of academic work is a violation of the Student Conduct Code. Complaints of alleged scholastic dishonesty are resolved in accordance with established collegiate and Student Conduct Code policies and procedures.

disciplinary actions according to the policies or applicable collective bargaining agreements for the respective University employee groups.

**Complainant(s)** shall mean the individual(s) who submits an allegation of academic misconduct.

**Respondent(s)** shall mean the individual(s) against whom the allegation(s) has been submitted.

**Senior Administrator** shall mean the dean or other individual identified by the academic vice president, vice provost, or vice chancellor of the line unit of the respondent and approved by the Senior Vice President of Academic Affairs. The Senior Administrator has the responsibility of directing the case from the inquiry process through disposition of the case. **Inquiry/Investigative Panel**, also referred to as **the Panel**, shall mean the group of individuals appointed by the Senior Administrator and given the charge to determine whether the allegation(s) is frivolous or to identify sufficient information to warrant an investigation. (See Inquiry - Process Section for further details.) If an investigation is warranted, the same panel shall be given the additional charge by the Senior Administrator to further seek and analyze all relevant information regarding the allegation, and then determine whether sufficient evidence exists to report that academic misconduct occurred. The report of the Panel is the basis of any disciplinary action assigned by the Senior Administrator. (See Investigation - Process Section for further details).

**Sponsor** shall mean any external entity, including, but not limited to, a company, agencies of the U.S. federal and state governments, foundations, industry associations, and others, that supports the scholarly work upon which the allegation is based.

**Science and Scholarly Advisory Board (SSAB)** shall mean a committee representing the various scientific and scholarly disciplines at the University. The SSAB shall have the following responsibilities: (1) provide advice on the implementation of this policy, (2) assist the steering of potential allegations, (3) advise the Senior Administrator on potential members of the Inquiry/Investigation Panel, and (4) advise the Senior Administrator on the appropriate disciplinary actions when misconduct has been found. Members will be nominated for staggered three-year terms. The Twin Cities campus, Crookston campus, Morris campus and the Duluth Medical School shall have a single committee with nine members. Its members will be nominated by the Regents Professors and appointed by the Senior Vice President for Academic Affairs. The Duluth campus (excluding the Medical School) will have a five-member committee, with its members nominated by the Duluth Campus Assembly and appointed by the Academic Vice Chancellor of the Duluth campus. Resolution of issues regarding advice on implementation of this policy shall be by the nine-member SSAB representing all units except the Duluth campus and that board shall be augmented with two members from the Duluth campus SSAB. Each SSAB will elect annually a chair.

## **PROCESS FOR HANDLING ALLEGATIONS OF ACADEMIC MISCONDUCT**

### **SUBMISSION OF AN ALLEGATION**

The University has the responsibility to pursue an allegation of academic misconduct and shall carry out this responsibility fully to resolve questions regarding the integrity of the scholarly activity. In an inquiry and any investigation that may follow, the individuals involved in considering the case shall focus on the substance of the issues and shall be vigilant to prevent any personal conflicts between colleagues from obscuring the facts.

Prior to submitting a complaint, a potential complainant is encouraged to meet privately with any member(s) of the SSAB or an academic administrator (dean or other academic officer) from the unit in which the alleged misconduct occurred. All parties involved shall be informed that all issues related to the complaint (allegation) must be kept private at this stage. The purpose of this meeting is to provide advice to the complainant. The meeting shall help distinguish whether the case is one of academic misconduct or one to be resolved by other deliberative or mediation procedures, or by other specialized committees, such as the Student Conduct Code, the Human Subjects Committee or the Animal Care Committee, or by labor agreements between the Regents and any employee group.

Within 10 working days of having sought advice from either the dean, academic officer, or SSAB member, the complainant must inform the individual(s) consulted of whether an allegation will be filed. If the complainant wishes to file an allegation, he/she shall submit a written allegation to the Senior Vice President for Academic Affairs. Until an allegation is filed, there shall be no inquiry or investigative activity regarding concerns expressed by the complainant.

The member(s) of the SSAB or academic administrator who meets with a complainant has the responsibility of submitting the allegation if the complainant chooses not to make a formal allegation and the SSAB member or academic administrator believes there is sufficient cause and evidence to warrant an inquiry. In such a case, there is no complainant for the purposes of these procedures. Instead, a three-member subcommittee of SSAB or the academic administrator (the party the complainant consulted) shall draft a written report (allegation) to be submitted to the Senior Vice President for Academic Affairs.

The Senior Vice President for Academic Affairs shall refer the case to the academic vice president, vice provost, or vice chancellor of the unit in which the alleged misconduct occurred. The academic vice president, vice provost, or vice chancellor shall refer the allegation to the dean of the unit in which the case originated. The dean shall be assigned to serve as the Senior Administrator and shall be responsible for pursuing all allegations to resolution. This includes directing an inquiry and, if necessary, an investigation of academic misconduct. If the dean has a conflict of interest with a case, the case shall be referred to a dean from another unit or another individual, who shall serve as the Senior Administrator.

From the time the allegation is received, all activity related to the case shall be carefully documented. All individuals who are contacted shall be assured that, as much as possible, the privacy of their comments will

be maintained. In turn, all individuals involved with the case are expected to sustain the privacy of the case. The Senior Administrator shall promptly attempt to locate and secure the originals of all relevant research data if it is ascertained that such data will be part of the case. Supervised access to the data shall be available to the Inquiry/Investigative Panel and the respondent. The Senior Administrator also shall chart the elements of the case as it is understood at that time.

Even if the respondent leaves the University before the case is resolved, the Senior Administrator on behalf of the University, when possible, shall continue the examination of the allegation and reach a conclusion. Further, the University shall cooperate with the process of another institution to resolve such questions to the extent permissible under the Minnesota Government Data Practices Act or any applicable federal law.

### **CONFLICTS OF INTEREST**

Possible conflicts that must be avoided in the appointment of the Senior Administrator and members of the Inquiry/Investigative Panel include the following: a) co-authoring a book, paper, or grant proposal with any of the individuals directly involved with the misconduct case (complainant or respondent); b) professional or personal relationship with any of these individuals (e.g., current or former students or mentor, direct supervisory or subordinate relationship, direct collaborator within the past seven years, close friendship); c) professional differences of opinion with any of the involved individuals that might reasonably be expected to affect objectivity in considering the case; d) financial ties to the involved individuals; or e) other reasons that might affect the ability of the individuals to make fair and impartial judgments.

### **INQUIRY**

#### **A. Purpose**

Whenever an allegation or a complaint involving the possibility of academic misconduct is made, the Senior Administrator shall initiate an inquiry, which is the first step of the review process. In the inquiry stage, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted.

An inquiry is not a formal hearing or an in-depth analysis of the allegation; it is designed to separate allegations deserving further investigation from frivolous, unjustified, or clearly mistaken allegations. As soon as sufficient information is obtained that indicates an investigation is warranted, the inquiry process shall terminate, and a report shall be submitted to the Senior Administrator. It is the responsibility of the Senior Administrator to ensure that the inquiry is conducted in a fair and just manner.

#### **B. Process**

The Senior Administrator shall meet with the complainant to review details of the allegation and describe the process that shall be followed to resolve the allegation. The Senior Administrator shall explain that while every attempt will be made to maintain anonymity through the inquiry phases of the process, the respondent shall learn the complainant's identity during the investigative process, and the

complainant may have to face the respondent during a subsequent hearing if the case proceeds that far.

The Senior Administrator shall meet with the respondent to present the details of the allegation (a written statement of the allegation shall also be provided along with a copy of this policy) and the evidence<sup>3</sup> upon which the allegation is based, explain the process to be followed, and obtain the respondent's preliminary explanation of the allegation. The Senior Administrator shall inform the respondent of the obligation to provide all the evidence relevant to allegation. In order to avoid claims of alteration of the data, the Senior Administrator shall attempt to secure all original pertinent documents (for example, data books and manuscripts) at the time the respondent is notified of the allegation. The Senior Administrator shall also inform the respondent that unreasonable refusal to provide relevant material or other uncooperative behavior may result in an immediate recommendation that an investigation is justified. The Senior Administrator also shall tell the respondent that he/she shall have the opportunity to be interviewed by the Inquiry/Investigative Panel and to provide any documentation or names of individuals who might help clear the claim against the respondent.

After the Senior Administrator has met with both the complainant and respondent, he/she then shall decide within 10 working days whether to personally handle the inquiry or refer the case to an Inquiry/Investigative Panel. Alternatively, the Senior Administrator may make a determination that the allegation is frivolous, or that it is more appropriate to refer it to another deliberative resolution system (Grievance, Student Conduct Code, Human Subjects, Animal Care). If the Senior Administrator determines on the basis of a preliminary investigation that there is no substance to the allegation, he/she shall submit a written report that explains the basis for closing the case to the academic vice president, vice provost, or vice chancellor of the unit in which the allegation is based. If the academic vice president, vice provost, or vice chancellor approves closing a case, the Senior Administrator shall notify both the complainant and the respondent of the decision.

If the Senior Administrator wishes to have the case examined by an Inquiry/Investigative panel, then individuals who have the appropriate scientific, scholarly, or artistic expertise on the issues in question shall be selected. Members of the Inquiry/Investigative Panel may be chosen from within or outside of the University. They shall have no direct involvement in the academic activity under inquiry, be impartial, and have no interests that would conflict with the interests of the University in securing a fair and thorough inquiry. The Senior Administrator shall obtain nominations from the SSAB on suitable members to serve on the Inquiry/Investigative Panel and shall obtain approval from the academic vice president, vice provost, or vice chancellor of the unit before the final Inquiry/Investigative Panel is appointed. While normally the Panel shall be composed of all faculty members, at least one member of the Panel should be from the same employment category as the respondent [faculty (94xx), graduate students and professional trainees (95xx), P & A (96xx, 93xx, 97xx), or civil service]. The Panel shall

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<sup>3</sup> A summary of the evidence shall be provided if the allegation is based on extensive documentation; however, the respondent shall have supervised access to review all of the evidence held by the Senior Administrator.

have an odd number of members, preferably three. The Senior Administrator shall identify one member as chair. The Senior Administrator shall inform both the complainant and respondent of the proposed composition of the Panel and give each of them five working days to notify the SSAB if any of the Panel members might have a potential serious conflict of interest. The SSAB shall arbitrate all claims of conflict of interest.

The Senior Administrator shall provide the Panel with an explicit charge for the inquiry activity. The University's Office of General Counsel shall advise the chair of the panel on the appropriate protocol and practices that should be followed.

Whether a case can be reviewed effectively without the involvement of a complainant depends upon the nature of the allegation and the evidence available. Cases that depend specifically upon the observations or statements of a complainant cannot proceed without the open involvement of that individual. Cases that can rely on documentary evidence may permit a complainant to remain anonymous. While it may be desirable to keep the identity of a complainant private during an inquiry, such privacy cannot necessarily be guaranteed under the Minnesota Government Data Practices Act.

The Senior Administrator shall assume responsibility for disseminating information to the appropriate individuals. Notification shall be made in writing, and copies shall be filed in the office of the Senior Administrator. The safety and security of all documents must be assured. All individuals involved with the case shall be reminded that they are responsible for keeping all aspects of the case private.

The Senior Administrator shall inform all individuals involved in the case that the original data produced as part of research at the University belong to the University and the sponsor, if applicable. Therefore the data must be accessible upon request of the Senior Administrator. If the Senior Administrator chooses to secure the original data, the individual who provided the data shall be provided with copies on request.

The Panel shall examine the appropriate material to determine whether there is evidence that academic misconduct has occurred. All faculty, staff, and students are obligated to cooperate with the Panel by supplying requested documents and information. The following types of information relevant to the allegations raised by the case shall be submitted to the Panel upon request: a) research notes, papers and notebooks, logs, source documents, computer printouts, and machine-readable materials; b) a list of all current and former collaborators and co-workers; c) a list of published abstracts, papers, and books; and copies of abstracts, papers, and books pending publication; d) a list of reports and grant applications submitted to outside foundations and funding agencies and copies of such reports and applications; and e) other pertinent scientific or scholarly data the Panel deems necessary. The Panel may also take written or oral evidence in considering the case. Transcripts of taped interviews shall be prepared and submitted to the interviewed person(s) and the Panel for comment or revision.

Due to the sensitive nature of an allegation of academic misconduct, each case shall be resolved expeditiously. Reasonable deadlines shall be established for each case to facilitate the process. An inquiry (conducted by either the Senior Administrator or the Panel) shall be completed as

quickly as possible and not more than 25 calendar days after its initiation unless circumstances clearly warrant a longer period of time. If, when the Panel convenes, it anticipates that the established deadlines cannot be met, a report, citing the reasons for the delay and progress to date, shall be submitted for the record to the Senior Administrator, and the respondent and other involved individuals shall be informed.

#### C. Findings of the Inquiry Activity

Upon completion of the inquiry a written report shall be produced that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusion of the inquiry. The report shall be sufficiently detailed regarding the reasons for determining that an investigation is not warranted, if such is the case. The Panel's written report then shall be referred to the Senior Administrator and the respondent. If the report recommends that an investigation be conducted, it may propose subject matter to be included in the investigation. The respondent has 10 working days to review the report and submit written comments to the Senior Administrator. Summaries of all interviews and data examined by the Panel shall be made available for the respondent to review.

If the Senior Administrator obtains information at any stage of the inquiry that reasonably indicates the occurrence of possible criminal violations, the Senior Administrator shall notify an appropriate office of the sponsoring federal agency and the appropriate law enforcement officials within 24 hours.

#### D. Senior Administrator's Determination Based on the Inquiry Report

Upon receiving the Inquiry Panel's recommendation and the respondent's statement, the Senior Administrator shall determine within 10 working days whether the case shall be closed or an investigation initiated. The Senior Administrator shall notify the complainant and respondent as to whether the complainant's allegations shall be subject to further investigation. The Senior Administrator shall maintain the records of an inquiry in a secure manner for at least three years.

If the Senior Administrator decides not to conduct an investigation, no further formal action shall be taken other than informing all parties involved. The procedures shall preserve privacy consistent with law for all parties to these procedures. If privacy is breached, the Senior Administrator shall take reasonable steps to minimize the damage to reputations that may result from inaccurate reports. Allegations that have not been brought in good faith may lead to appropriate disciplinary actions according to the University policies<sup>4</sup> or applicable collective bargaining agreements for the respective employee groups. Complainants shall be made aware from the outset that their privacy shall not be maintained if a complaint is maliciously motivated and false.

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<sup>4</sup> Tenure Code, the Academic Professional and Administrative Staff Policy and Procedures, the Civil Service Rules.

## **INVESTIGATION**

### **A. Purpose**

An investigation shall be initiated only after the Senior Administrator issues a finding that an investigation is warranted. The purpose of the investigation is to explore further the allegation(s) and assemble all the evidence that supports or refutes the allegation. The investigation shall focus on allegations of academic misconduct as defined above and shall examine the factual materials of the case. The investigation shall look carefully at the substance of the charges and shall examine all relevant evidence. The Inquiry/Investigative Panel's charge is to generate a report that compiles all the information it considers and its conclusion regarding whether there is sufficient evidence to support the allegation of misconduct.

This report is the basis of any subsequent hearing. During an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent shall be informed if new and different allegations are discovered during the course of the investigation.

### **B. Structure**

The investigation shall be carried out by the Panel described above as a continuance of its work. If the inquiry was completed without a Panel then one should be appointed as described above (Inquiry - Structure). If additional expertise for the Panel is deemed desirable, the Senior Administrator shall request additional nominations from the SSAB. If the Panel is augmented, it still shall have an odd number of members. The Senior Administrator shall identify one member as chair. The respondent and complainant shall be informed of the proposed new members for the Panel and each given five working days to notify the SSAB of potential serious conflicts of interest any of the Panel members might have. The SSAB has the authority to arbitrate any questions regarding conflicts of interest.

### **C. Process**

The Senior Administrator shall provide a charge to the Panel within 10 days of the notification that an investigation is warranted. An investigational process shall be established for each investigation, and the complainant and respondent shall be notified when the investigation phase of this procedure commences. The respondent may seek the assistance of an advisor (legal counsel or another individual) at this point, if he or she has not already done so. All parties involved shall cooperate with the proceedings in providing information relating to the case. All necessary information shall be provided to the respondent in a timely manner to facilitate the preparation of a response. The respondent shall have the opportunity to address the charges and evidence in detail at the inception and close of the Panel's activities during the investigative phase of this procedure.

The University reserves the right to take interim administrative actions to protect the health and safety of research subjects and patients, and/or the interests of students and colleagues. Such actions may range from slight restrictions to reassignment of the activities of the respondent. In extreme circumstances, the respondent may be suspended temporarily.

Any actions shall be in accordance with the procedures specified in the University Regulations Concerning Faculty Tenure, the contract between the Regents and unionized groups, any other labor agreements, or other applicable employee policies. Interim administrative actions shall be taken in full awareness of how they might affect the respondent and the ongoing research projects of the University.

If the sponsoring agency of the academic activity requires notification of suspected academic misconduct, that agency shall be notified as soon as the decision has been made to undertake an investigation. Significant developments during the investigation, as well as the final determination of the case shall be reported to the sponsor when required. If at any stage during the investigation there is a reasonable indication of possible criminal violations, the Senior Administrator shall notify the appropriate office of the sponsoring agency and the appropriate law enforcement officials within 24 hours. The Senior Administrator also shall notify the sponsoring agency during the investigation if emergency conditions exist as defined under federal regulations.

All interviews conducted during this investigative phase by the Panel shall be tape recorded. A transcript first shall be approved by the Panel and then shall be submitted to the interviewed person(s) for comment or revision.

If the respondent wishes to have an advisor present during his/her interview with the Panel, notice of the advisor's participation shall be submitted to the Panel at least 48 hours prior to the interview. The respondent shall have the opportunity to provide evidence, request expert witnesses, identify witnesses directly involved in the case, and be directly interviewed.

The investigation shall be conducted as expeditiously as possible and generally shall be completed within 120 days. However, the nature of some cases may render that schedule difficult to meet. If the Panel determines that the deadline cannot be met, it shall request an extension, which the Senior Administrator shall grant or deny. If necessary, the Senior Administrator shall submit a report to the sponsoring agency regarding this action.

#### D. Findings of the Investigation

When the Panel reaches a conclusion regarding the case, a preliminary report, which reviews all the information considered and the Panel's conclusion, shall be transmitted to the respondent. The report shall detail the explicit evidence that supports or refutes each allegation included in the Panel's charge. The report shall then specify the Panel's conclusion as to whether any of the proven allegations represent academic misconduct. The respondent shall be allowed 10 working days to prepare written comments, which the Panel shall consider before the report is finalized. The completed report along with the respondent's comments on the preliminary report then shall be submitted to the Senior Administrator. When there is more than one respondent, each shall receive all parts of the report that are pertinent to his/her role.

If either a finding of no misconduct is reported by the Panel or the Senior Administrator does not accept the findings of the Panel, the process shall be considered completed, with no disciplinary action taken by the

University. New evidence may be an appropriate basis to initiate a new inquiry/investigation.

#### **FINDING AND PROPOSED RESOLUTION**

Upon receipt of the Panel's report, the Senior Administrator shall review the report and determine whether to accept all or part of the Panel's recommendations. There are two possible findings:

1. that academic misconduct was committed;
2. that no academic misconduct was found.

For those cases in which the Senior Administrator accepts a finding of misconduct, he/she shall determine the disciplinary action within 15 days of receiving the report. The Senior Administrator may consult with a subcommittee of the SSAB in arriving at a decision. This decision must also be made with the concurrence of the appropriate dean of the respondent's unit if the Senior Administrator is not the respondent's dean, the academic vice president, vice provost, or vice chancellor. The Senior Administrator shall notify the respondent in writing of his/her determinations on the case and the reasons for them. The respondent, who may be accompanied by his/her advisor, shall meet with the Senior Administrator and the appropriate academic vice president, vice provost, or vice chancellor to discuss the disciplinary action.

The University may choose disciplinary action as warranted by the circumstances of each case. Subject to the Tenure Code or appropriate labor agreements, examples may include:

- Oral reprimand with no permanent record
- Letter of reprimand that becomes part of the respondent's permanent record
- Special monitoring of future work
- Removal from particular project
- Probation
- Suspension
- Salary reduction
- Rank reduction
- Termination of employment

The respondent may accept the disciplinary action or request a hearing as specified for his/her employment classification.<sup>5</sup>

If the Senior Administrator determines that no academic misconduct was found, then the discussion with the respondent shall focus on how the respondent's record shall be cleared. This shall include removing all material related to this case from the respondent's personnel files.<sup>6</sup> The complainant and other concerned parties shall be informed by the Senior Administrator of the disposition of the investigation to the

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<sup>5</sup> When the respondent files a grievance pertaining to the case, the University shall bear the burden of proof for all issues related to the allegation(s) of misconduct. The respondent shall bear the burden of proof for any claims against the process followed.

<sup>6</sup> The respondent shall be informed by the Senior Administrator of the source of all correspondence regarding the case so that records developed for this case may be tracked and removed.

extent permitted under the Minnesota Government Data Practices Act. The Senior Administrator also shall discuss with the respondent the appropriateness and desirability of notifying other individuals or agencies about the outcome of the investigation. All records related to this case shall be maintained privately and securely under the supervision of the Senior Administrator for at least three years. All parties involved in the case shall be reminded that except as required by federal and state law, all information about the case cannot be released outside the institution unless and until: 1) the allegations results in a finding of misconduct, 2) final discipline is imposed and 3) all avenues of appeal (if pursued) have been exhausted.

If the allegations of academic misconduct are found to be maliciously motivated, appropriate disciplinary actions shall be taken against those responsible. If the allegations, however incorrect, are found to have been made in good faith, no disciplinary measures shall be taken.

The sponsoring agency initially informed of the investigation shall be notified promptly of the outcome of the investigative and any subsequent hearing. The Senior Administrator shall retain the records of the investigation. Even when no culpable misconduct was found but serious erroneous information was published, the Senior Administrator shall consider means to correct the published record affected by the alleged misconduct.

Records of the investigation and possible hearing shall include all documentation reviewed by the Investigative Panel, summaries of witness interviews, and the findings of the panel.

#### **Retaliation**

When a complaint has been brought in good faith, even if mistakenly, the University shall seek to protect the complainant against retaliation. Individuals who provide information to assist in resolving of an inquiry or investigation also shall be protected by these same guidelines. individuals engaging in acts of retaliation shall be disciplined according to the appropriate University policies or applicable collective bargaining agreements.

#### **Minnesota Government Data Practices Act**

References are made throughout this policy to the Minnesota Government Data Practices Act. This act governs access to and release of all data collected, created, received, maintained or disseminated by public entities, including the University of Minnesota. The University will adhere to the requirements of the Minnesota Government Data Practices Act with respect to all actions taken and all information generated in the course of an academic misconduct inquiry and/or investigation under this policy.

Regent Craig reported that the committee also reviewed one item for information relating to a proposal for Master of Arts and Doctorate degrees in Rhetoric and Scientific and Technical Communication.

**REPORT OF THE AUDIT COMMITTEE**

Regent M. Page, Chair of the committee, reported that the committee did not meet this month.

The meeting adjourned at 12:20 p.m.

  
**BARBARA MUESING**  
Executive Director &  
Corporate Secretary