

UNIVERSITY OF MINNESOTA

BOARD OF REGENTS

Educational Planning & Policy Committee

Thursday, November 8, 2007

3:15 p.m. – 4:15 p.m.

600 McNamara Alumni Center, East Committee Room

Committee Members

David Larson, Chair
Anthony Baraga, Vice Chair
Maureen Cisneros
Linda Cohen
Steven Hunter
Patricia Simmons

Student Representatives

Meghan Keil
Nathan Olson

A G E N D A

1. Board of Regents Policy: *Intellectual Property* - Review - T. Sullivan/T. Mulcahy/M. Rotenberg (pp. 2-19)
2. Board of Regents Policy: *Copyright* - Review - T. Sullivan/W. Lougee/R. Okediji (pp. 20-25)
3. Area Health Education Center: Resolution - Review - F. Cerra (pp. 26-34)
4. Consent Report - Review/Action - T. Sullivan (pp. 35-38)
5. Information Items - T. Sullivan (p. 39)



**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

Educational Planning and Policy Committee

November 8, 2007

Agenda Item: Board of Regents Policy: Intellectual Property

review review/action action discussion

Presenters: Senior Vice President/Provost Thomas Sullivan
Vice President Timothy Mulcahy
General Counsel Mark Rotenberg

Purpose:

policy background/context oversight strategic positioning

To review proposed Board of Regents Policy: *Commercialization of Intellectual Property Rights*. The proposed policy would supersede Board policies: *Intellectual Property*; *Use of Royalty Income to Support Technology Commercialization*; and *Acquiring Controlling Equity Interests in Technology Licensees*.

Outline of Key Points/Policy Issues:

1. The title has changed to *Commercialization of Intellectual Property Rights* to reflect separation of technology transfer issues from copyright and trademark issues.
2. Several definitions were changed to reflect the new focus on technology transfer: *inventor* replaces *creator* and *technology* replaces *intellectual property*.
3. A principle was added to acknowledge the academic value of technology commercialization.
4. A clause regarding non-commercial methods of distributing technology was added to lay the foundation for future efforts to provide access to University intellectual property for humanitarian reasons.
5. In addition to intellectual property created by faculty, employees, and post-doctoral or other fellows, the University will own intellectual property created by undergraduate students when they are using substantial University resources. This change reflects increased research opportunities that the University has created for all students.
6. Income distribution and equity interest sections remain the same as the previous policies.

Background Information:

Vice President Mulcahy and General Counsel Rotenberg conducted a Board work session on *Commercialization of Technology* in October 2006.

President's Recommendation for Action:

The President recommends Board adoption of the proposed policy.



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Academic
COMMERCIALIZATION OF INTELLECTUAL
PROPERTY RIGHTS
Adopted:

DRAFT for review November 8, 2007

COMMERCIALIZATION OF
INTELLECTUAL PROPERTY RIGHTS

SECTION I. SCOPE.

This policy governs patents and the ownership, commercialization, and dissemination of intellectual property rights in technology created at the University of Minnesota (University).

SECTION II. EXCLUSIONS.

Subd. 1. Copyright. With the exception of the commercialization of intellectual property rights in software owned by the University, this policy shall not apply to the ownership or use of copyrighted works that are governed by other Board of Regents (Board) or administrative policies.

Subd. 2. Trademarks. With the exception of intellectual property rights in University trademarks that identify University-owned plant varieties or that are commercialized in conjunction with other technology covered by this policy, this policy shall not apply to the use of University-owned or licensed names, trademarks, or service marks.

Subd. 3. Equity Interests. This policy shall not apply (a) to the University's acquisition of equity securities in a publicly held company or appointment of a voting member to the governing body of a publicly held company or (b) to the acquisition of equity securities of a publicly held company by a University employee.

SECTION III. DEFINITIONS.

Subd. 1. Inventor. Inventor shall mean a University employee, student, or post-doctoral or other fellow who invents technology.

Subd. 2. Technology. Technology shall mean the following items and their related intellectual property rights:

- (a) a discovery or invention, patentable or not;
- (b) software owned by the University; and



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- (c) trademarks owned by the University that identify University-owned or University-licensed plant varieties or that are commercialized in conjunction with other technology covered by this policy.

Subd. 3. University Official. University official shall mean a person defined as a University official in Board of Regents Policy: *Institutional Conflict of Interest* and any person covered by administrative policies or procedures implementing that policy.

Subd. 4. Controlling Equity Interest. Controlling equity interest shall mean the University's ownership of equity securities of a licensee sufficient to grant the University the power to direct the licensee's management. The University shall be considered to have a controlling equity interest in a licensee under this policy if:

- (a) the University owns a majority of the voting equity interest in the licensee; or
- (b) the University has the power to appoint a majority of the voting members of the governing body of the licensee.

Subd. 5. Licensee. Licensee shall mean a for-profit, privately held company to which the University licenses or assigns intellectual property rights in University-owned technology.

Subd. 6. Net Income. Net income shall mean the gross monetary payments the University receives as a result of transferring rights in the technology less the University's out-of-pocket expenditures (including legal fees) directly attributable to protecting, developing, and transferring that technology.

SECTION IV. GUIDING PRINCIPLES.

The following principles shall guide the University in commercializing technology:

- (a) The primary mission of University research is the generation and dissemination of knowledge, and academic freedom requires that faculty, staff, and students be free to pursue areas of research and study without regard to the potential for the creation of inventions.



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- (b) The development and dissemination of new knowledge, technology, or scientific procedures resulting in innovative products, practices, and ideas is a valued supplement to scholarly publications.
- (c) University commercialization activities shall not inhibit the ability of University researchers to pursue research of their choosing, to publish results of their work in a timely manner, and otherwise to exercise their rights of academic freedom.
- (d) Licensing University-owned technology to private companies promotes the University's interest in successful commercial development of University-owned intellectual property. In some circumstances, a non-commercial method of distribution, such as open source sharing of technology or licensing for humanitarian needs, may be the preferred method of providing public access to, and use of, University discoveries.
- (e) The University may own a controlling equity interest and assert control over the direction and management of a licensee only when doing so (1) enhances the potential for the licensee to successfully develop and make available to the public useful products and services and (2) increases the potential value of the University's investment.

SECTION V. OWNERSHIP OF TECHNOLOGY.

Subd. 1. Ownership. The University shall be the sole owner of all rights, titles, and interests (including intellectual property rights) in and to technology:

- (a) created by University employees in the course of their employment;
- (b) created by students or post-doctoral or other fellows in the course of their academic duties or appointments; or
- (c) created by individuals, including employees, students, or post-doctoral or other fellows, using substantial University resources.

Subd. 2. Assignment of Intellectual Property Rights. Inventors assign to the University all rights, titles, and interests, if any, in and to technology owned by the University.

Subd. 3. Ownership Under Third Party Agreements. Ownership of and rights in technology are subject to the terms of written agreements between the University and



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third parties under which the University, solely or in collaboration, conducts research or other activities. Under these agreements, the University may claim, disclaim, or otherwise grant or accept rights in technology as appropriate and desirable.

Subd. 4. Waiver of University Rights. Pursuant to administrative policies and procedures, the president or delegate is authorized to waive or otherwise assign to an inventor all or part of the University's rights, titles, or interests in or to a technology created by the inventor.

Subd. 5. Rights to Publish. At the University's request, inventors shall delay the publication or public disclosure of any descriptions of technology for a brief period of time to permit the registration, application for, and protection of the intellectual property rights in the technology.

SECTION VI. DELEGATION OF AUTHORITY.

The president or delegate, on behalf of the University, may assign, license, or otherwise grant a third party the right to use technology royalty-free or in exchange for cash, stock or other securities, or other tangible or intangible property.

SECTION VII. DISTRIBUTION OF INCOME FROM COMMERCIALIZATION OF TECHNOLOGY.

The University shall share with inventors the net income from the commercialization of technology as follows:

- (a) thirty-three and one-third percent to the inventors;
- (b) twenty-five and one-third percent to the department, division, or center that supported the creation of the technology, to be spent in support of the inventor's research or directly related University work;
- (c) eight percent to the collegiate unit that supported the creation of the technology; and
- (d) thirty-three and one-third percent to the Office of the Vice President for Research, to be spent in support of the University's technology commercialization activities and to fund University research and scholarly activity.



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The University may change the distribution to collegiate units or to departments, divisions, or centers if such amounts become disproportionate compared to their budgets or if there have been administrative organizational changes, including an inventor's movement among units or departments. The University also may distribute to inventors a portion of the net income from commercialization of technology in the form of a bonus or salary supplement.

SECTION VIII. EQUITY, CONTROLLING INTERESTS, AND ASSISTANCE WITH COMMERCIALIZATION.

Subd. 1. Disposition of Equity Securities. The University shall sell the equity securities acquired under this policy as soon as prudent and in strict compliance with all applicable federal and state laws. The cash proceeds derived from the sale of equity securities shall be distributed in the same proportions as income derived from technology.

Subd. 2. Acquiring a Controlling Equity Interest in the Commercialization of Technology. In acquiring, as part of a transaction to commercialize technology, a majority or other equity interest in a company that grants the University the power to direct the company's management or the power to appoint a majority of the voting members of the governing body of the company, the following prohibitions shall apply:

- (a) Except as permitted under other applicable Board policies, the University shall not make a cash investment in, lend money to, or guarantee the obligations of the company; and
- (b) University officials shall not purchase or invest, directly or indirectly, in the equity securities of a licensee as long as the licensee is privately held, except that University employees who are not University officials may purchase or invest, directly or indirectly, in such equity securities if permitted under Board of Regents Policy: *Individual Business or Financial Conflict of Interest* and other applicable Board policies.

Subd. 3. Appointment of Voting Members to Governing Bodies as Part of the Commercialization of Technology. The president, on behalf of the University, shall appoint voting members to the governing bodies of privately held companies commercializing technology. A University-appointed member shall:

- (a) be a University employee with demonstrated experience and competence in technology commercialization and in the creation, management, and capitalization of privately held companies; and



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- (b) be reasonably insured against liability arising from service on the governing bodies of such companies.

A University-appointed member:

- (a) shall not accept compensation for service as a member of the governing body of the company, but may accept reasonable reimbursement for service-related expenses;
- (b) shall comply with University policies and procedures;
- (c) shall discharge fiduciary and contractual responsibilities to the company, subject to the performance of University duties as provided in Board and other University policy and procedures; and
- (d) shall resign as a voting member of the governing body of the company prior to the company's becoming publicly held, unless the president or delegate approves an extension of the appointment.

Subd. 4. Use of Technology Commercialization Income to Assist Commercialization by Non-University Entities. The president or delegate may authorize non-University entities to use income the University earns from technology commercialization to directly encourage, promote, or assist with the commercialization and development of University intellectual property. The commitment of financial support for particular projects shall not exceed \$250,000, consistent with Board of Regents Policy: *Reservation and Delegation of Authority*.

SECTION IX. REPORTING.

The president or delegate shall report annually to the Board on University activities under this policy.

SECTION X. IMPLEMENTATION.

The president or delegate shall implement this policy and maintain appropriate policies and procedures to administer it.

SUPERSEDES: *Educational Materials* dated April 14, 1967, *Patent and Technology Transfer* dated October 10, 1986, *Intellectual Property* adopted October 8, 1999, *Use of Royalty Income to Support Technology Commercialization* adopted March 12, 2004, and *Acquiring Controlling Equity Interests in Technology Licensees* adopted December 8, 2006.



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Academic

INTELLECTUAL PROPERTY

Adopted: October 8, 1999

Effective: May 15, 2001*

Supersedes: (see end of policy)

INTELLECTUAL PROPERTY

SECTION I. PURPOSE.

This policy exists to encourage research and innovation, clarify ownership of intellectual property rights, create opportunities for public use of University innovations, and provide for the equitable distribution of monetary and other benefits derived from intellectual property.

SECTION II. APPLICATION.

Subd. 1. Application. This policy applies to all faculty, staff, students, and any other persons employed by the University; to all persons receiving funding administered by the University or receiving other compensation from the University; and to all University-enrolled graduate students and post-doctoral fellows regardless of funding or employment status.

Subd. 2. Effective Date. This policy applies to intellectual property disclosed to the University after the effective date of this policy.

SECTION III. DEFINITIONS.

Subd. 1. Creator. "Creator" means the individual or group of individuals who invented, authored, or were otherwise responsible for the intellectual creation of the intellectual property, as defined in the applicable intellectual property statutes.

Subd. 2. Intellectual Property. "Intellectual property" means any invention, discovery, improvement, copyrightable work, integrated circuit mask work, trademark, trade secret, and licensable know-how and related rights. Intellectual property includes, but is not limited to, individual or multimedia works of art or music, records of confidential information generated or maintained by the University, data, texts, instructional materials, tests, bibliographies, research findings, organisms, cells, viruses, DNA sequences, other biological materials, probes, crystallographic coordinates, plant lines, chemical compounds, and theses. Intellectual property may exist in a written or electronic form, may be raw or derived, and may be in the form of text, multimedia, computer programs, spreadsheets, formatted fields in records or forms within files, databases, graphics, digital images, video and audio recordings, live video or audio broadcasts, performances, two or three-dimensional works of art, musical compositions, executions of processes, film, film strips, slides, charts, transparencies, other visual/aural aids or CD-ROMS.



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INTELLECTUAL PROPERTY

Adopted: October 8, 1999

Effective: May 15, 2001*

Supersedes: (see end of policy)

Subd. 3. Net Income. “Net income” means the gross monetary payments the University receives as a result of transferring rights in the intellectual property less the University’s out-of-pocket expenditures (including legal fees) directly attributable to protecting, developing, and transferring that intellectual property.

Subd. 4. Regular Academic Work Product. “Regular academic work product” means any copyrightable work product which is an artistic creation or which constitutes, or is intended to disseminate the results of, academic research or scholarly study. Regular academic work product includes, but is not limited to, books, class notes, theses and dissertations, course materials designed for the web, distance education and other technology-oriented educational materials, articles, poems, musical works, dramatic works, pantomimes and choreographic works, pictorial, graphic and sculptural works, or other works of artistic imagination. Software specifically needed to support a regular academic work product or which is designed to disseminate the results of academic research and scholarly study is also considered a regular academic work product.

Subd. 5. Employee. “Employee” means a person employed or otherwise compensated by the University, including faculty members, staff members, and students.

Subd. 6. Specially Commissioned Work. “Specially commissioned work” means a work specially ordered or commissioned and which the University and the creator expressly agree in a written instrument signed by them shall be considered as such.

SECTION IV. ADMINISTRATIVE PROCEDURES.

The president, in consultation with the vice president for research and the Faculty Senate, shall adopt procedures to implement this policy.

SECTION V. UNIVERSITY OWNERSHIP.

Subject to the exceptions in section VI, the University shall be the sole owner of all intellectual property created through the use of University resources or facilities, supported directly or indirectly by funds administered by the University, developed within the scope of employment by employees, agreed in writing to be a specially commissioned work, or assigned in writing to the University.



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INTELLECTUAL PROPERTY

Adopted: October 8, 1999

Effective: May 15, 2001*

Supersedes: (see end of policy)

SECTION VI. EXCEPTIONS TO UNIVERSITY OWNERSHIP.

Subd. 1. Regular Academic Work Product. A regular academic work product is owned by the creator and not the University. This subdivision does not apply to a regular academic work product that is assigned in writing to the University or specifically ordered or commissioned and designated in writing by the creator and University as a specially commissioned work.

Subd. 2. Course Requirement. Intellectual property created solely for the purpose of satisfying a course requirement is owned by the creator and not the University. This subdivision does not apply if the creator assigns ownership rights in the intellectual property to the University in writing or assignment of such ownership rights to the University is made a condition for participation in a course.

Subd. 3. Pre-Existing Rights. If the intellectual property referred to in subdivisions 1 and 2 is a derivative of or otherwise uses preexisting University-owned intellectual property, this section shall not prevent the University from asserting its preexisting rights.

Subd. 4. Contractual Agreements. For intellectual property created in the course of or pursuant to sponsored research, external sales, industrial affiliates programs, or other contractual arrangements with external (non-University) parties, ownership will be determined in accordance with the terms of the University's agreement with the external party and applicable law.

Subd. 5. Outside Consulting Activities. For intellectual property created in the course of or pursuant to activities that fall within and comply with the Board of Regents policy, *Outside Consulting, Service Activities, and Other Work*, ownership will be determined in accordance with the terms of any agreement governing intellectual property developed pursuant to such activities.

SECTION VII. USE OF INTELLECTUAL PROPERTY.

Subd. 1. Rights to Publish. Nothing in this policy shall be construed as affecting the rights of a creator to publish, except that the creator must agree to observe a brief period of delay in publication or external dissemination if the University so requests and such a delay is necessary to permit the University to secure protections for intellectual property disclosed to it by the creator.



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INTELLECTUAL PROPERTY

Adopted: October 8, 1999

Effective: May 15, 2001*

Supersedes: (see end of policy)

Subd. 2. Use of Teaching Materials. In order to facilitate joint work on teaching materials and support collaborative teaching, and notwithstanding the ownership rights otherwise granted by this policy, individuals who contribute teaching materials used in jointly developed and taught University courses thereby grant a nonexclusive, nontransferable license to the University to permit other contributors to the course to continue using those jointly produced teaching materials in University courses.

SECTION VIII. DISTRIBUTION OF INCOME.

Subd. 1. Academic Research or Scholarly Study. Unless otherwise agreed in writing by the University and creator, in the event that the University receives income from intellectual property that is derived from academic research or scholarly study, that is disclosed to and licensed or otherwise transferred by the University's technology transfer unit, and that is not agreed in writing to be a specially commissioned work, any net income will be divided as follows:

- (1) 33-1/3% to the creator;
- (2) 33-1/3% to the Office of the Vice President for Research to support the University's technology transfer unit and to support research and scholarly activity at the University;
- (3) 8% to the creator's colleges or schools that supported the creation of the intellectual property; and
- (4) 25-1/3% to the department, division, or center that supported the creation of the intellectual property to be spent in support of the creator's research or other directly related University work.

Subd. 2. Changes to Distribution. Changes to the distribution of income under subdivision 1, paragraphs (3) and (4) may be appropriate if the income to a department, division, or center becomes disproportionate compared to the unit's budget or if there are administrative organizational changes, including movement of the creator among units. Decisions about redistribution of income under such circumstances shall be made by the vice president for research in consultation with the Senate Committee on Research and the deans of the appropriate colleges or schools.

Subd. 3. Other Intellectual Property. If the University receives income from intellectual property disclosed to and licensed or otherwise transferred by the University's technology transfer unit and not covered by subdivisions 1 and 2, it may be appropriate to share some portion of the net income with the creator in the form of a bonus or other temporary salary supplement. Any such distribution will be made in the discretion of the vice president for research in consultation with the creator's supervisor.



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Academic

INTELLECTUAL PROPERTY

Adopted: October 8, 1999

Effective: May 15, 2001*

Supersedes: (see end of policy)

SECTION IX. UNIVERSITY RESPONSIBILITIES.

The University shall have the responsibility to:

- (1) provide oversight of intellectual property management and technology transfer,
- (2) establish effective procedures for licensing and patenting intellectual property,
- (3) promote effective distribution and marketing of intellectual property,
- (4) protect the University's intellectual property, and
- (5) inform individuals covered by this policy about its provisions.

SECTION X. RESPONSIBILITIES OF APPLICABLE INDIVIDUALS.

Employees, all persons receiving funding administered by the University or receiving other compensation from the University, and all graduate students and post-doctoral fellows regardless of funding or employment status, have a responsibility to:

- (1) adhere to the principles embodied in this policy;
- (2) sign, when so requested by the University, the University's Intellectual Property Policy Acknowledgment;
- (3) create, retain, and use intellectual property according to the applicable local, state, federal, and international laws and University policies;
- (4) disclose promptly in writing intellectual property owned by the University pursuant to this policy or created pursuant to sponsored research or other contractual arrangements with external parties that are governed by section VI, subdivision 5, and assign title to such intellectual property to the University or its designee to enable the University to satisfy the terms of any applicable funding or contractual arrangement; and
- (5) cooperate with the University in securing and protecting the University's intellectual property, including cooperation in obtaining patent, copyright, or other suitable protection for such intellectual property and in legal actions taken in response to infringement.

SECTION XI. COMPLIANCE.

Failure to comply with the provisions of this policy is a violation and may result in discipline of an employee in accordance with applicable University policies and procedures.

*This policy became effective on May 15, 2001 when the president accepted administrative procedures required for its implementation.

Supersedes: EDUCATIONAL MATERIALS DATED APRIL 14, 1967 AND PATENT AND TECHNOLOGY TRANSFER DATED OCTOBER 10, 1986.



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Administrative
USE OF ROYALTY INCOME TO SUPPORT
TECHNOLOGY COMMERCIALIZATION
Adopted: March 12, 2004

USE OF ROYALTY INCOME
TO SUPPORT TECHNOLOGY COMMERCIALIZATION

This policy governs the provision of any financial support by the University of Minnesota (University) to non-University entities to encourage, promote, or assist in the commercialization of University technology.

Subd. 1. Definition. *University technology* means patentable inventions, copyrightable works, and all other forms of intellectual property created by University faculty, staff, and others and owned by the University in accordance with Board of Regents (Board) policies.

Subd. 2. Guiding Principles. Commitments of financial support to non-University entities under this policy shall adhere to each of the following principles:

(a) **Relationship to University's Mission.** Commercialization of University technology is consistent with the University's mission of research and discovery, teaching and learning, and outreach and public service. Financial support provided to non-University entities shall directly encourage, promote, or assist in such commercialization.

(b) **Compliance.** A commitment of financial support shall comply with all applicable laws, regulations, and policies of the University.

(c) **Limitations on Financial Support.** The source of financial support shall be royalty and other income the University earns from technology licensing. Such financial support must not impair or adversely affect the University's mission.

Subd. 3. Delegation of Authority. The president or delegate may authorize financial support for a particular project under this policy in an amount not to exceed \$250,000, consistent with Board of Regents Policy: *Reservation and Delegation of Authority*.

Subd. 4. Reporting. The president shall report to the Board each year on the commercialization of University technology, including a description of any financial support provided to non-University entities under this policy.



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Administrative
ACQUIRING CONTROLLING EQUITY
INTERESTS IN TECHNOLOGY LICENSEES
Adopted: December 8, 2006

ACQUIRING CONTROLLING EQUITY INTERESTS IN
TECHNOLOGY LICENSEES

SECTION I. SCOPE.

This policy applies to transactions in which the University of Minnesota (University) licenses intellectual property rights to a privately held company in exchange for a controlling interest in the company's common stock or other voting equity security.

SECTION II. EXCLUSIONS.

This policy shall not apply:

- (a) when the University:
 - acquires equity securities in a publicly held company;
 - acquires equity securities in a company in consideration for cash or tangible property; or
 - appoints a voting member to the governing body of a publicly held company; or
- (b) when a University employee acquires equity securities of a publicly held company.

SECTION III. DEFINITIONS.

Subd. 1. Controlling Equity Interest. *Controlling equity interest* shall mean the University's ownership of equity securities of a licensee sufficient to grant the University the power to direct the licensee's management. The University shall be considered to have a controlling equity interest in a licensee under this policy if:

- (a) the University owns a majority of the voting equity interest in the licensee; or
- (b) the University has the power to appoint a majority of the voting members of the governing body of the licensee.

Subd. 2. University Official. *University official* shall mean a person defined as a University official in Board of Regents Policy: *Institutional Conflict of Interest* and any person covered by administrative policies or procedures implementing that policy.



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Subd. 3. Licensee. *Licensee* shall mean a for-profit, privately held company to which the University licenses or assigns intellectual property rights in University-owned technology.

SECTION IV. GUIDING PRINCIPLES.

The following principles shall guide the University in acquiring controlling equity securities of a licensee:

- (a) The generation and dissemination of knowledge is a central component of the University's mission.
- (b) University-generated knowledge should be used to create useful products and services and generate rewarding jobs.
- (c) Licensing University-owned intellectual property to private companies should promote the University's interest in successful commercial development of University-owned intellectual property.
- (d) The University may own a controlling equity interest and assert control over the direction and management of a licensee only when doing so (i) enhances the potential for the licensee to successfully develop and make available to the public useful products and services and (ii) increases the potential value of the University's investment.

SECTION V. CONDITIONS GOVERNING ACQUISITION OF A CONTROLLING EQUITY INTEREST.

The University may acquire a controlling equity interest in a licensee as part of the licensing or assignment of University-owned intellectual property rights, subject to the following conditions:

- (a) The University shall sell the equity securities acquired under this policy as soon as prudent and in strict compliance with all applicable federal and state laws.
- (b) The cash proceeds derived from the sale of equity securities shall be distributed as provided under Board of Regents Policy: *Intellectual Property*.



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ACQUIRING CONTROLLING EQUITY
INTERESTS IN TECHNOLOGY LICENSEES
Adopted: December 8, 2006

SECTION VI. PROHIBITIONS.

The following prohibitions shall govern the University's acquisition of equity securities under this policy:

- (a) Except as permitted under Board of Regents Policy: *Investment Transactions*, Board of Regents Policy: *Use of Royalty Income to Support Technology Commercialization*, and other applicable Board of Regents (Board) policies, the University shall not make a cash investment in, lend money to, or guarantee the obligations of licensees.
- (b) University officials shall not purchase or invest, directly or indirectly, in the equity securities of a licensee as long as the licensee is privately held; provided, however, University employees who are not University officials may purchase or invest, directly or indirectly, in such equity securities if permitted under Board of Regents Policy: *Individual Business or Financial Conflict of Interest* and other applicable Board policies.

SECTION VII. APPOINTMENT OF VOTING MEMBER TO GOVERNING BODY OF A LICENSEE.

The following provisions shall govern the University's appointment of a voting member to the governing body of a licensee:

Subd. 1. Appointment. In accordance with the terms of this policy and related administrative policies and procedures, the president may appoint voting members to the governing body of licensees. University-appointed members shall:

- (a) be University employees with demonstrated experience and competence in technology commercialization and in the creation, management, and capitalization of privately held companies; and
- (b) be reasonably insured against liability arising from their service on the governing bodies of licensees.

Subd. 2. Appointee Obligations. University-appointed members:

- (a) shall not accept compensation for service as members of the governing body of licensees, but members may accept reasonable reimbursement for their service-related expenses;



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ACQUIRING CONTROLLING EQUITY
INTERESTS IN TECHNOLOGY LICENSEES
Adopted: December 8, 2006

- (b) shall comply with University policies and procedures;
- (c) shall discharge their fiduciary and contractual responsibilities to the licensees subject to the performance of their University duties as provided in Board and administrative policies and procedures; and
- (d) shall resign as voting members of the governing body of licensees prior to the licensees' becoming publicly held companies, unless the president or delegate approves an extension of their appointment.

SECTION VIII. CONFLICTS OF INTEREST.

The University shall maintain policies and procedures to ensure the University's integrity is not compromised by individual or institutional conflicts of interest arising from the University's acquisition of a controlling equity interest in a licensee or the University's appointment of voting members to the governing body of a licensee.

SECTION IX. DELEGATION OF AUTHORITY AND ADMINISTRATION.

The president or delegate shall administer this policy and maintain appropriate policies, procedures, and guidelines to implement it.

SECTION X. REPORTING.

The president or delegate shall report annually to the Board on University activities under this policy.



**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

Educational Planning and Policy Committee

November 8, 2007

Agenda Item: Board of Regents Policy: Copyright

review review/action action discussion

Presenters: Senior Vice President/Provost Thomas Sullivan
Library Director Wendy Pradt Lougee
Professor Ruth Okediji

Purpose:

policy background/context oversight strategic positioning

To review proposed Board of Regents Policy: *Copyright*. The proposed policy would supersede portions of Board of Regents Policy: *Intellectual Property*.

Outline of Key Points/Policy Issues:

The proposed policy establishes the ownership of copyrightable scholarly and creative works created at the University, and is intended to promote the creation of such works.

Key features include the following:

1. The policy would vest in the faculty ownership of all scholarly, pedagogical, and creative works they create, in whatever form or format, with certain limited, express, and common exceptions.
2. Consistent with federal law, the University would own all works created by University employees acting within the scope of their employment, subject to the exception described above for faculty-created scholarly, pedagogical, and creative works—the so-called *academic works*.
3. The University would own *directed works* created by any University employee, including a member of the faculty. To qualify as a directed work, the following three conditions must be satisfied: 1) specific request by the University; 2) substantial resources invested by the University; and 3) agreement between the University and the faculty creator. What constitutes *substantial resources* will vary by department and context. To be *substantial* the resources must be beyond the level of resources ordinarily or commonly provided to faculty.
4. The policy allows faculty and the University to negotiate customized agreements as necessary or desirable.

President's Recommendation for Action:

The President recommends Board adption of the proposed policy.

**University of Minnesota Board of Regents
Educational Planning and Policy Committee
November 8, 2007**

Proposed Copyright Policy: Background, Process, and Issues

I: Background and Process

The Senior Vice President for Academic Affairs and Provost, in February 2007, appointed a committee of seven faculty to recommend a copyright policy. After a comprehensive survey of 20 peer institutions (see summary below), the Copyright Advisory Committee proposed several key changes to the current university intellectual property policy. The Copyright Advisory Committee presented drafts of the policy (twice each) to the Senate Academic Freedom and Tenure Committee, the Senate Research Committee, the Senate Faculty Consultative Committee, and to the Twin Cities Deans Council. The policy also was presented to the Faculty Senate. In addition, a Web site was created to provide background and to solicit faculty feedback and questions:

<http://www.academic.umn.edu/provost/reports/copyright2007.html>

II: Issues Raised through the Consultation Process

1. In response to faculty concerns, the proposed policy has been revised to explicitly recognize the full range of creative activity at the University, including: "work of visual art, dramatic work, musical composition..."
2. In response to faculty comments, post-doctoral fellows are explicitly covered under this proposed policy.
3. Faculty sought clarification of the nature of copyrighted work – to what works does copyright apply? Thus, the policy now includes a definition of copyrightable work as: "original works of authorship fixed in a tangible medium of expression."
4. Questions were raised regarding whether certain "faculty-like" employees would be entitled to copyright ownership rights similar to those of faculty. The policy now recognizes that "faculty-like" employees should enjoy the same ownership rights as those of traditional faculty.
5. There was extensive discussion of University ownership rights. The proposed policy makes clear that "works for hire" would be owned by the University, as would "directed works." The definition of a directed work was revised, following faculty discussion, to be both clear and flexible: " 'Directed work' shall mean a work agreed upon between the University and faculty creator(s), the creation of which is based on a specific request by the University and which is supported by substantial University resources beyond those customarily provided to faculty in the respective discipline and University unit."
6. A number of faculty also sought flexibility to negotiate special arrangements with the University for disseminating copyrightable work. The proposed policy now explicitly recognizes the ability of a faculty member and the University to agree to various special arrangements.

III: Comparison with Leading Universities

The Copyright Advisory Committee reviewed the copyright policies of the following universities: Princeton, Harvard, Yale, Washington University, Stanford, MIT, University of Pennsylvania, Duke, Dartmouth, Columbia, The University of California System, University of Virginia, University of Michigan, University of North Carolina, College of William and Mary, University of Wisconsin, Georgia Institute of Technology, University of Illinois, University of Washington, and University of Texas. Following is a summary of this comparison:

- *Traditional academic work product.* Under copyright policies of all universities surveyed (20), copyright ownership of non-directed academic works traditionally created by faculty and students (books, articles, theses, etc.) vests with the creators of such works. Similarly, at 16 of the 20 universities surveyed, faculty members retain ownership of course materials created in the context of teaching (syllabi, assignments, tests, etc.). *The proposed policy is consistent with this.*
- *Works created with substantial/significant university resources.* Almost uniformly (19/20), universities retain copyright ownership of works created with “substantial” or “significant” university resources, irrespective of whether a written agreement exists governing the issue of ownership and irrespective of whether the work in question is classified as a traditional academic work product. *The proposed policy, in the directed works provision requires "substantial resources" as one of three prerequisites to triggering University ownership.*
- *Courses and courseware.* Eight of the top 20 universities retain copyright ownership in materials created for courses taught and courseware developed for teaching at the university. The remaining 12 universities do not address the issue of ownership of courses and courseware in their copyright policies. *The proposed policy is consistent with this.*
- *Works made for hire.* 18 of the 20 policies surveyed vest copyright ownership of “works made for hire” (works created by university employees within the scope of their employment) in the university. As with works created with substantial/significant university resources, universities retain rights in “works made for hire” notwithstanding the lack of a written agreement governing the issue of ownership. *The proposed policy is consistent with this.*
- *Sponsored works.* 17 of the 20 policies surveyed vest copyright ownership of sponsored works (works first produced by or through the university in the performance of a written agreement between the university and a sponsor) in the university. *The proposed policy is consistent with this.*
- *Commissioned works.* Eight of the top 20 universities retain copyright ownership in works specially commissioned by the university (works produced for university purposes by individuals not employed at the university or by university employees outside their regular employment). The remaining 12 universities do not address the issue of ownership of such works in their copyright policies. *The proposed policy is consistent with this – the University retains copyright in works specially commissioned by the University.*



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BOARD OF REGENTS POLICY

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Academic

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Adopted:

DRAFT for review November 8, 2007

COPYRIGHT

SECTION I. SCOPE.

This policy applies to copyrighted works created by faculty; post-doctoral fellows, researchers, and scholars; students; and other employees of the University of Minnesota (University).

SECTION II. DEFINITIONS.

Subd. 1. Copyright Protection. *Copyright protection* subsists in original works of authorship fixed in a tangible medium of expression, as defined by United States copyright law.

Subd. 2. Work. *Work* shall mean a work protected under United States copyright law.

Subd. 3. Academic Work. *Academic work* shall mean a scholarly, pedagogical, or creative work, such as an article, book, textbook, novel, work of visual art, dramatic work, musical composition, course syllabus, test, or class notes.

Subd. 4. Faculty. *Faculty* shall mean members of the faculty as defined by Board of Regents Policy: *Employee Group Definitions*, along with individuals who are not so defined but who are University employees holding faculty-like appointments (namely, University employees who teach or conduct research at the University with a level of responsibility and self-direction similar to that exercised and enjoyed by faculty in a similar activity). Post-doctoral fellows, researchers, and scholars shall have the same ownership rights as faculty and are covered under this policy.

Subd. 5. Student. *Student* shall mean a registered student at the University.

Subd. 6. Directed Work. *Directed work* shall mean a work agreed upon between the University and faculty creator(s), the creation of which is based on a specific request by the University and which is supported by substantial University resources beyond those customarily provided to faculty in the respective discipline and University unit.



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BOARD OF REGENTS POLICY**

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DRAFT for review November 8, 2007

SECTION III. GUIDING PRINCIPLES.

- (a) The University's mission articulates a commitment to sharing knowledge through education for a diverse community and application of that knowledge to benefit the people of the state, the nation, and the world. In this spirit, the University encourages faculty and students to exercise their interests in ownership and use of their copyrighted works in a manner that provides the greatest possible scholarly and public access to their work.
- (b) The University shall maintain the strong academic tradition that vests copyright ownership of academic works in the faculty.
- (c) The University recognizes the importance of intellectual freedom and autonomy in the creation, use, and dissemination of scholarly works.
- (d) The University is committed to promoting a culture in which access, exchange, and lawful use of materials are regarded as fundamental to both the process and goals of scholarly inquiry.

SECTION IV. COPYRIGHT OWNERSHIP.

Subd. 1. Ownership of Academic Works. Consistent with academic tradition, University faculty and students shall own the copyright in the academic works they create, except for academic works described below in Section IV, subd. 2(b)-(e), or unless otherwise provided in a written agreement between the creator(s) and the University.

Subd. 2. University Ownership. The University shall own the copyright in the following works created by University faculty, other employees, or students, acting individually or jointly with others:

- (a) works created by University employees acting within the scope of their employment, except for academic works created and owned by faculty under this policy;
- (b) directed works;
- (c) works specially ordered or commissioned by the University and for which the University has agreed, in writing, to specially compensate or provide other support to the creator(s);



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- (d) works created in connection with the administration of the University; and
- (e) works created pursuant to a contract with an outside sponsor that provides University ownership of the copyright in the works.

Subd. 3. Written Acknowledgments. The University and University faculty, other employees, and students shall execute necessary or desirable written instruments or agreements to evidence and protect ownership of copyright and copyright licenses consistent with this policy.

Subd. 4. Ownership Under Sponsored and Other Outside Funded Agreements. The ownership of copyright in works created under an agreement with an outside sponsor shall be determined consistent with the terms of the agreement and applicable law.

Subd. 5. Works Created by Independent Contractors. Copyright ownership in works created by independent contractors shall be determined consistent with applicable law and the contract between the University and the independent contractor. In most instances, the University shall enter into appropriate written contracts with independent contractors before services are provided to the University that may result in the creation of copyrighted works.

SECTION V. EXCLUSIONS.

Nothing in this policy shall be construed to preclude the University and faculty and students from entering into written agreements governing the use, licensing, or sharing of licensing revenues with each other with respect to works, whether such works are owned by the University, the faculty, or students under this policy.

SECTION VI. IMPLEMENTATION.

The president or delegate shall implement this policy and maintain appropriate policies and procedures to administer it.



**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

Educational Planning and Policy Committee

November 8, 2007

Agenda Item: Area Health Education Center: Resolution

review review/action action discussion

Presenters: Senior Vice President Frank Cerra

Purpose:

policy background/context oversight strategic positioning

To review and seek approval of a resolution to establish a corporation to implement a federal grant promoting health professions education.

Outline of Key Points/Policy Issues:

Policy Issues:

Should the University of Minnesota establish a corporation to implement a federal grant that supports health professions education in rural Minnesota?

Background Information:

The University received a federal grant in the amount of \$3 million, funded from September 1, 2005 – August 31, 2008, with matching funds support provided by the Academic Health Center (AHC) and community partners. The grant is part of a federal/state cooperative agreement funded through the federal Health Resources and Services Administration, Bureau of Health Professions. The three-year matching funds award provides support to continue developing the two existing regional Area Health Education Centers (AHECs) in southern and northeastern Minnesota, as well as establish two new regional centers in the central and northwest regions of the state. The \$3 million award is matched 1:1 by health care organizations, community agencies, the University of Minnesota, and others interested in addressing rural health professional workforce needs.

Minnesota AHEC was originally funded in September 2002 for a three-year period. The implementation of the grant requires the establishment of a corporation in Central Minnesota (Fergus Falls) to provide a local community base for carrying out the intent of the grant. The

grant itself will be administered by the University's Sponsored Projects Administration through a contract with the corporation. The governance of the corporation will include significant involvement by the AHC. The corporate documents will be prepared by the Office of the General Counsel.

On February 12, 2004, the Board of Regents of the University of Minnesota approved a similar resolution to establish a corporation in Northeast Minnesota, and again on December 9, 2004, to establish a corporation in Southern Minnesota. These corporations are functional as intended and are working toward self-sustainability.

President's Recommendation for Action:

The President recommends approval of this resolution.

**University of Minnesota Board of Regents
Educational Planning and Policy Committee
November 8, 2007**

Minnesota Area Health Education Center

**Frank Cerra
Academic Health Center**

Resolution: Review and action on establishing a corporation to implement a federal grant promoting rural health professions education.

Minnesota Area Health Education Center

Minnesota AHEC is a developing statewide network of community and academic partners working together to address health and health workforce needs in Greater Minnesota. The partnerships connect the University of Minnesota Academic Health Center with academic institutions, health care agencies, communities and others committed to improving the health of the people of Greater Minnesota.

Minnesota AHEC provides service through regional hubs in Northeastern, Southern, Central and Northwestern Minnesota. The four regional centers are located in Hibbing, Willmar, Fergus Falls, and Crookston, in addition to a Northeast Minnesota AHEC satellite office in Moose Lake. The regional centers are working with communities to promote existing rural health programs and bring community and University interests together more effectively to address health challenges unique to the region. A cornerstone of the program is to support AHC students' interest in rural health throughout their education in the health professions programs.

Minnesota AHEC embodies the University of Minnesota Academic Health Center's Greater Minnesota Strategy, which fosters community-campus partnerships that address the health and health professions workforce needs of greater Minnesota. Our vision is to:

- promote **health outcomes** by developing future health professionals who value community engagement;
- assure a **vital health professions workforce** through community-campus partnerships with the University of Minnesota; and
- contribute to a **vibrant rural economy** by eliminating health professions shortage areas.

Through Minnesota AHEC, the University of Minnesota Academic Health Center has developed important relationships at a regional level to address health professional workforce needs. Community leaders serve as AHEC Board Directors across Minnesota and work to identify, support, evaluate and monitor partnerships at a local level that meet community needs while enhancing educational opportunities for health professions students. Minnesota AHEC seeks to assist all of the state's health professions education programs, both public and private, and technical colleges.

Since its inception in 2002, Minnesota AHEC has:

- Supported 250 health professions students in Greater Minnesota with reimbursements.
- Provided health career educational activities for 3,000 K-12 students.
- Facilitated clinical training, internships, and other activities for 1,051 health professions students.
- Provided continuing education activities for 2,834 health care professionals and community members.
- Provided CPR manikins for training in Basic Life Support and/or Infant/Child CPR for more than 534 people.
- Supported two dental clinics in Greater Minnesota, currently providing access to dental care for over 4,800 underserved residents per year.
- Facilitated development of Pharmacy Technician program at Hibbing Community College.
- Trained 55 medical interpreters.
- Facilitated 9 interprofessional community health projects.

Barbara F. Brandt, Ph.D., Assistant Vice President for Education and Professor, Pharmaceutical Care and Health Systems, is the Principal Investigator for Minnesota AHEC, which is currently funded Sept. 1, 2005 – Aug. 31, 2008 for \$3 million, with matching fund support provided by the Academic Health Center and community partners. The Academic Health Center will apply for an additional three-year period beginning Sept. 1, 2008.

Funding

The Area Health Education Center (AHEC) program is a national program that began in 1970, to improve the accessibility and quality of primary health care. AHEC is a federal-state matching funds cooperative agreement funded through Title VII of the Public Health Service Act through the Bureau of Health Professions, Health Resources and Services Administration, US Department of Health and Human Services. As a cooperative agreement, all AHEC programs are required to provide a dollar for dollar commitment to match federal funding support. Combined, the Academic Health Center and community partners have made significant contributions to meet that goal.

AHEC is part of a family of HRSA grants focused on addressing health workforce shortages in underserved areas in 46 states. A federal requirement of all AHEC grantees is the commitment of 75 percent of all grant funding awarded go directly to community partners through the establishment of regional centers. This relationship ensures a significant level of financial investment on behalf of the community through the commitment of facilities, technology access, personnel support and space.

The Bureau of Health Professions mandates that regional AHECs operate at the community-level with primary direction for programmatic and funding initiatives coming from the community, in partnership with University. The accepted model of governance for regional AHECs is the establishment of independent, not-for-profit organizations. In a recent evaluation of the national AHEC program, these governance structures have proven to be the most effective and sustainable in the long term. This model ensures a symbiotic relationship between Universities and communities in which grant funding is utilized in ways that meet community identified

needs and provide the best possible community-based experiences for future health professionals.

AHECs accomplish their goals primarily by:

- Developing awareness of health careers in K – 12 in rural areas
- Increasing the numbers of medical, nursing, pharmacy, dentistry and other health professions exposed to rural health practice by linking to communities
- Support of community-based faculty preceptors by offering continuing education and support opportunities

Incorporating the Central Minnesota AHEC

Pursuant to the direction of the federal agency administering the grant, the Central Regional Minnesota Area Health Education Center will be established as a not-for-profit corporation, and will seek tax-exempt status. The grant itself will be administered through SPA, and the funding relationship with the new corporation will be through a standard contract administered through SPA. In accord with the requirements of the grant, the majority of the grant funds will be expended through the AHEC, but the grant distributions will be administered through the contract with SPA.

The corporation will have a Board of Directors of between eleven and nineteen directors, three of whom, or 30%, will be appointed by the University through the Senior Vice President for Health Sciences. The remaining directors will be experienced in areas relevant to the operation of the AHEC, such as health care, educational administration, finance, economic development, etc., and shall be representative of the fourteen-county geographic area to be served. The University, through the Senior Vice President for Health Sciences will exercise reserved powers, requiring that the AHEC budget, significant expenditures, and actions that could substantially affect the mission of the AHEC, including the hiring or removal of the Executive Director, must be approved by the Senior Vice President for Health Sciences.

The corporation's Executive Director, Program Coordinator, and part-time assistant will be the only paid staff members. They will be employed through Minnesota State Colleges and Universities (MNSCU), out of its campus in Fergus Falls, and MNSCU will be reimbursed out of the grant for the cost of salary and benefits. 75% of the expenditures for the Program Coordinator are being covered by West Central Initiative. The activities of the corporation will be closely monitored through the involved University representatives, and through the contract administered by SPA to ensure that grant funds are expended appropriately. The separate corporate existence of the AHEC will also enable it to seek additional funding independent of the grant, which is the intention of the federal direction in the use of this organizational model.

The Office of the General Counsel has prepared the corporate documents for the Central Minnesota AHEC, and will manage the establishment of the corporation, the application for tax-exempt status, etc.

The Greater Minnesota Strategy University of Minnesota Academic Health Center

The University of Minnesota's historic mission as a land grant institution inspires the Academic Health Center's (AHC) commitment to preparing the next generation of health professionals that can improve the health and well-being of Minnesota communities and their families. As rural communities and higher education institutions continue to face financial challenges during difficult economic times, the role of partnership in addressing common challenges becomes quite evident to both. Rural communities clearly understand the role of local health care in supporting their economic vitality and caring for their citizens. In return, the AHC understands that partnering with communities translates to future health professionals that are prepared for and interested in providing rural care.

Within the Academic Health Center, the evolving philosophy of creating partnerships with communities at a regional level is our Greater Minnesota Strategy. Through this Strategy, which is supported by President Bruininks, we are committed to focusing the work of rural based educational programs in order to increase program efficiency, reduce costs and share in financial risks and opportunities with community partners. This partnership ensures that the students, the communities and the partners grow together by working together, enjoying the benefits and challenges of true collaboration.

An emerging asset to support the goals of the Greater Minnesota Strategy for the University and Minnesota communities is Minnesota Area Health Education Center (Minnesota AHEC). Minnesota AHEC is a federal-state matching funds cooperative agreement through Health Resources and Services Administration Bureau of Health Professions designed to regionalize the training of health professional students to underserved areas throughout the state. Minnesota AHEC is the platform to support the goals of the Greater Minnesota Strategy through the continued development of strong community-campus partnerships that provide rural disciplinary and interdisciplinary educational opportunities for health professions students and address unique community health and health workforce issues in rural areas of Minnesota.

Minnesota AHEC provides service through regional hubs in Northeastern, Northwestern, Southern and Central Minnesota. The regional hubs work with communities to promote existing rural health programs and bring community and University interests together to address health challenges unique to the region. Through health careers exploration, support of students interested in rural health, health professions training and support of rural health practitioners, communities and the Academic Health Center can be successful in identifying opportunities that meet the needs of rural communities. In addition, new developments in technology further enhance the ability to connect with resources around the world, supporting education and linking students of all ages with experiences and information that were once only accessible in urban centers.

Through the Greater Minnesota Strategy and with community partners, the Academic Health Center is striving to support collaboration and the identification of strategies and solutions to address some of the difficult health related challenges that face rural communities.

Programs Minnesota AHEC Supports

Medicine

The University of Minnesota Medical School has a historical commitment to training the Minnesota physician workforce for primary as well as specialty care medicine. From 1990-2006, slightly more than 50% of U of M graduates entered primary care residencies and practice. More than 70% of Minnesota residents who attend the University of Minnesota Medical School remain in Minnesota after completing their education.

Pharmacy

The College of Pharmacy consistently recruits students from Minnesota communities. Since 2004, more than 70% of entering students are from Minnesota. Rural student admissions have increased by 223% since 2002. During the 2006 and 2007 academic years, 79 students were placed in rural Minnesota communities for clinical education. Of the 147 May 2007 graduates, 25 students have taken positions in Greater Minnesota. Of these students, 72% were from Greater Minnesota, and by including students from rural North Dakota and Wisconsin, 76% are from rural areas.

Dentistry

The University of Minnesota School of Dentistry is committed to educating community-engaged dentists and promoting access to dental care. The Hibbing Dental Clinic, a partnership between the University of Minnesota School of Dentistry, Hibbing Community College and the city of Hibbing, has significantly increased access to dental care for uninsured, underserved, and public program patients in the ten-county region of northeast Minnesota, while providing a critical outreach experience for dental and dental hygiene students. Since 2002, 13,468 patients have been seen during 21,100 patient visits involving 277 University of Minnesota dental students. The Hibbing Community College Dental Assisting Program now enrolls a full class of 30 assistants with an active waitlist compared to 9 assistants enrolled in 2002. The Dental Clinic's successful business model is being adapted by the newly established Rice Regional Dental Clinic in Willmar.

Nursing

The School has the state's largest graduate nursing education program, preparing masters and doctoral graduates for practice and teaching in higher education. The School prepares approximately 55% of all nursing faculty in the state of Minnesota. The School of Nursing is preparing to offer the Masters of Nursing (MN) is designed for students with bachelors' degrees in any field that wish to pursue a nursing career. The doctorate of nursing practice (DNP) is a terminal practice degree designed for practicing professionals training to be clinical leaders and nursing faculty.

Public Health

The Center for Public Health Education and Outreach (CPHEO) is the School's central platform for professional outreach and continuing education for public health workforce, including Greater Minnesota. Distance learning through Internet, Webcast, and podcast technologies and short institutes enable the School to provide high-quality coursework to adult and distance learners whose life and work situations may preclude regular campus-based and classroom

attendance. Student enrollment in outreach programming is now more than 1,000, up from 346 in 1999 .Coursework has expanded from 86 courses serving 1,483 registrants in 2000 to 263 courses serving 36,661 registrants in 2006.

MERC Interprofessional Education Projects

Some Minnesota communities have received funding from the Medical Education and Research Costs (MERC) to support locally-identified health projects. Local health professionals collaborate in teams to facilitate these health outcomes. The goal is to build specialized community teaching sites that will attract health professions students who will learn about rural health, contribute to health outcomes, and consider a rural practice upon graduation. Projects are taking place in Hibbing, Fergus Falls, Montevideo, St. Cloud, Moose Lake, Mountain Iron, New Ulm, Park Rapids, and Brainerd.



REGENTS OF THE UNIVERSITY OF MINNESOTA

RESOLUTION RELATED TO

**CENTRAL MINNESOTA (FERGUS FALLS)
AREA HEALTH EDUCATION CENTER**

WHEREAS, the Academic Health Center of the University of Minnesota is in receipt of an Area Health Education Center (AHEC) grant from the Federal Department of Health and Human Services for the purposes of supporting and promoting rural health professional education; and

WHEREAS, consistent with the directions of the Department of Health and Human Services, it is understood that the best method to implement this grant and accomplish its purpose is the formation of a nonprofit corporation in Central Minnesota, through which the activities supported by the grant may be implemented; and

WHEREAS, on the recommendation of the senior vice president for health sciences, the president of the University requests the approval of the Board of Regents (Board) for the formation of such a corporation;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the formation of a nonprofit corporation to carry out the purposes of the Minnesota AHEC grant, subject to the representations and conditions contained in related docket materials presented to the Board.



UNIVERSITY OF MINNESOTA BOARD OF REGENTS

Educational Planning and Policy Committee

November 8, 2007

Agenda Item: Consent Report

review review/action action discussion

Presenters: Senior Vice President/Provost Thomas Sullivan

Purpose:

policy background/context oversight strategic positioning

To seek Board approval of new academic programs and program additions, program deletions and discontinuations, and/or program changes, as outlined below.

Outline of Key Points/Policy Issues:

- I. New Academic Program
 - College of Education and Human Development (Twin Cities Campus) – Create Post-Baccalaureate Certificate in Parent Education
- II. Academic Program Change
 - Labovitz School of Business and Economics (Duluth Campus) – Discontinue minors in Business Administration, Finance, Management, Management Information Systems, and Marketing for non-business students.
- III. Endorsement of Change in Accreditation Stipulation
 - The Twin Cities campus seeks Board endorsement of its request to the Higher Learning Commission (Commission), the University's regional accrediting agency, to remove the standard stipulation that prior Commission approval is required before distance education programs can be offered.

Background Information:

This report appears as a regular item on the Educational Planning and Policy Committee agenda. Academic program proposal review and approval is governed by University of Minnesota Policy 2.2.4: Review of Proposals for New, Changed, and Discontinued Academic Programs. Approval by the Board of Regents is required for the establishment of new

academic programs; addition of formal tracks and of new sites for existing academic programs; discontinuance/merger of existing programs; and changes in program titles/degree designation.

President's Recommendation for Action:

The President recommends approval of the academic program proposals detailed in the Consent Report.

**University of Minnesota Board of Regents
Educational Planning and Policy Committee
November 8, 2007**

Consent Report

I. Request for Approval of New Academic Program

- **College of Education and Human Development (Twin Cities Campus)—Create Post-Baccalaureate Certificate in Parent Education**

The College of Education and Human Development on the Twin Cities campus requests approval to offer a post-baccalaureate Certificate in Parent Education, effective spring semester 2008. The proposed 16-credit certificate complements the College's existing parent education licensure program and will provide academic preparation and professional recognition for parent educators not needing licensure.

II. Request for Approval of Academic Program Changes

- **Labovitz School of Business and Economics (Duluth Campus)—Discontinue minors for non-business students: Business Administration, Finance, Management, Management Information Systems, and Marketing**

The Labovitz School of Business and Economics on the Duluth campus requests approval to discontinue five minors currently offered to non-business students: Business Administration, Finance, Management, Management Information Systems, and Marketing. The discontinuations would be effective spring semester 2008.

III. Request for Endorsement of Change in Accreditation Stipulation

The Twin Cities campus seeks Board endorsement of its request to the Higher Learning Commission, the University's regional accrediting agency, to remove the standard stipulation that prior Commission approval is required before distance education programs can be offered.

The University has well-established and well-defined policies, procedures, and monitoring/assessment systems in place for new and changed academic programs (www.academic.umn.edu/provost/reviews/apr/index.html), including distance education and technology-enhanced programs. These policies and procedures are reviewed annually by the Educational Planning and Policy Committee of the University's Board of Regents.

A visiting team from the Higher Learning Commission will be on campus November 12-13, 2007, to evaluate the University's request. The University believes it has the policies, procedures, oversight, and support systems in place—and mechanisms to evaluate and make improvements, as appropriate—to assure the quality of any online or hybrid degree or certificate program it offers. The Crookston campus sought and received a similar exemption in 2006.



**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

Educational Planning and Policy Committee

November 8, 2007

Agenda Item: Information Items

review review/action action discussion

Presenters: Senior Vice President/Provost Thomas Sullivan

Purpose:

policy background/context oversight strategic positioning

To inform members of the Educational Planning and Policy Committee of noteworthy items and policy-related issues affecting University units and departments.

To provide the Committee with background information related to issues of regional, national, and international policy affecting higher education.

Outline of Key Points/Policy Issues:

There are no information items to report.

Background Information:

This report appears as a regular item on the Educational Planning and Policy Committee agenda.