

UNIVERSITY OF MINNESOTA

BOARD OF REGENTS

November 4, 2002

An emergency meeting of the Board of Regents of the University of Minnesota was held on Monday, November 4, 2002 at 5:00 p.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: Maureen Reed, presiding; Anthony Baraga, Peter Bell, Robert Bergland, Frank Berman, Dallas Bohnsack, Jean Keffeler, Richard McNamara, David Metzen, and Lakeesha Ransom. William Hogan and H. Bryan Neel participated via telephone.

Staff present: Executive Director Ann Cieslak and General Counsel Mark Rotenberg.

RESOLUTION TO HOLD AN EMERGENCY MEETING

A motion was made and seconded, and the Board of Regents voted unanimously to approve the following resolution:

WHEREAS, it is the judgment of the Board of Regents that circumstances require immediate consideration by the Board of Regents:

BE IT RESOLVED, that this emergency meeting of the Board of Regents is held on November 4, 2002 at 5:00 p.m. in the Boardroom, 600 McNamara Alumni Center, for the purpose of considering the presidential search process.

CONSIDERATION OF THE PRESIDENTIAL SEARCH PROCESS: RESOLUTION

Regent Reed summarized the search process for a new President of the University of Minnesota, which began in July 2002. She commended the members of the Presidential Search Advisory Committee and Chair Ann Huntrods for their work, which has resulted in a list of semifinalists being delivered to the Board of Regents for consideration.

Reed reported that the full Board of Regents believes it is important to become directly engaged in the final stages of recommending a candidate. She noted that the challenges of managing thoughtful evaluation while respecting confidentiality create a difficult reality for the Board in the short term.

A motion was made and seconded to approve the following resolution relating to the presidential search:

WHEREAS, the University Charter and the Minnesota Constitution vest the Board of Regents with exclusive authority to govern the University of Minnesota ("University");

WHEREAS, the University Charter and the Minnesota Constitution vest the Board of Regents with exclusive authority

to select the University President. The Board of Regents considers this to be its most critical responsibility because selection of the President has a profound effect upon the University's mission and success in accomplishing its teaching, research and public service objectives;

WHEREAS, President Mark G. Yudof announced his resignation from the University effective July 31, 2002 and the Board of Regents has established a process to search for the next President ("Search Process");

WHEREAS, the Search Process established a Presidential Search Advisory Committee ("PSAC") to recruit, screen and recommend candidates to the Board of Regents for its consideration. Following receipt of the PSAC recommendations, the Board of Regents was to determine whom among the recommended candidates should be considered finalist(s). Consistent with the Open Meeting Law, Minn. Stat. § 13D, the Board of Regents was barred from confidentially interviewing any of the recommended candidates or deliberating confidentially about their qualifications;

WHEREAS, the PSAC has completed its work and recommended candidates for consideration by the Board of Regents;

WHEREAS, candidates whom the Board seriously wishes to consider have indicated that they will not participate in public interviews until they have had an opportunity to meet with the Board of Regents privately;

WHEREAS, the Board of Regents has determined that the Search Process in its current form has obstructed the purpose of the search, which is to enable the Board of Regents to recruit and hire the best possible President for the University;

WHEREAS, the Board of Regents has determined that the Search Process in its current form has frustrated the ability of the Board of Regents to carry out its fiduciary responsibilities to the people of Minnesota. The Board finds that in the absence of confidential interviews with candidates recommended by the PSAC and without confidential deliberations about those candidates, the Board cannot make an informed decision to hire a new President;

WHEREAS, the Board of Regents has determined that in order to retain the most qualified person to serve as University President, the Board must have an opportunity to confidentially interview leading presidential candidates and confidentially deliberate about the qualifications of those candidates; and

WHEREAS, the Board of Regents has determined that adherence to the Open Meeting Law and the Minnesota Government Data Practices Act in relation to the University presidential search substantially interferes with the Regents' exclusive constitutional responsibility to govern the University and is seriously detrimental to the University's best interests;

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents of the University of Minnesota amends the Search Process as follows:

1. The Board of Regents will conduct confidential interviews of candidates for the position of University President, taking into account the recommendations of the PSAC;
2. Following the interviews, the Board of Regents will deliberate confidentially regarding the candidates;
3. Following its confidential deliberations, the Board of Regents will meet in public to discuss and select the finalist(s) to be considered for the University President;
4. The finalist(s) selected by the Board of Regents will meet in a public process with members of the University community, including faculty, students, staff, alumni, donors and others, who will have an opportunity to express their views to the Board of Regents concerning the finalist(s);
5. Following the public interview process, the Board of Regents will meet in public to consider input from the process and deliberate on selection of the University President.

BE IT FURTHER RESOLVED that the first sentence of Board of Regents Bylaw, Art. VI, § B ("The Board of Regents adopts as its policy the Minnesota Open Meeting Law as set forth in Minnesota statute"), is hereby suspended insofar as it is applicable to the presidential search process set forth herein.

Regents Baraga, Berman, and Keffeler spoke in support of the proposed resolution.

The committee voted unanimously to approve the resolution relating to the presidential search.

Chair Reed then made a brief statement.

A motion was made and seconded, and the Board voted unanimously to adjourn the meeting at 5:15 p.m.

ANN D. CIESLAK
Executive Director and
Corporate Secretary

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