

**CONSECUTIVE MEETINGS OF:**

**THE UNIVERSITY SENATE  
THE FACULTY SENATE**

**THURSDAY, MAY 5, 2016**

**2:30 - 5:00 P.M.**

**Coffman Theater--Twin Cities Campus  
105 Kiehle Hall--Crookston Campus  
173 Kirby Plaza--Duluth Campus  
7 Humanities Fine Arts Building--Morris Campus  
Room 398--Rochester Campus**

This is a concurrent meeting of the University Senate and Faculty Senate. There are 258 voting members of the University Senate and 162 voting members of the Faculty Senate. A simple majority must be present for a quorum. Most actions require only a simple majority for approval. Actions requiring special majorities for approval are noted under each of those items.

**1. SOCIAL CONCERNS COMMITTEE  
Resolution regarding Charge to the Committee  
Information**

**FOR INFORMATION:**

The Social Concerns Committee wishes to express its concern over the committee's inability to fulfill the charge as they understand it, due to restrictions on Senate and Senate committee membership of labor-represented employees, and due to restrictions on conversations the committee is allowed to have with labor-represented employees.

**RANDY CROCE, CHAIR  
SOCIAL CONCERNS COMMITTEE**

**2. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY**

**FACULTY/ACADEMIC PROFESSIONALS/STAFF**

Berhanu Alemaw  
Attendant  
Coffman Union Dining  
1950- 2016

Wayne Daley  
Director  
Medical School Dean's Office, University of Minnesota Duluth  
1929- 2016

Norton Hintz  
Professor  
Physics and Astronomy  
1922- 2016

Clifford Hokanson  
Associate Professor  
University of Minnesota Waseca  
1920- 2016

James Larson, Jr.  
Delivery Service Driver  
U Market Services Logistics  
1958- 2016

Joel Ness  
Information Technology Professional  
ITSS Department Administration, University of Minnesota Duluth  
1956- 2015

Emil Pfender  
Professor  
Mechanical Engineering  
1925- 2016

Stephen Prager  
Professor  
Chemistry  
1928- 2016

Marvin Ross  
Educational Program Manager  
CBS Itasca Biological Station  
1947- 2016

Frank Rudnik  
Building and Grounds Worker  
Facilities Management  
1954- 2016

Warren Warwick  
Professor  
Pediatric Pulmonary and Sleep Medicine  
1928- 2016

Beverly Wilson  
Associate Administrator  
Law School Administration  
1936- 2015

## **STUDENTS**

Ellen M. Beggs  
University of Minnesota Crookston

Judith Krueger  
College of Continuing Education

Kendra Lindfors  
College of Liberal Arts

**3. ADVOCACY FOR 2016 LEGISLATIVE SESSION**  
**Discussion with Mike Miller, Office of Government and Community Relations**  
**(5 minutes)**

**4. PRESENTATION OF OUTSTANDING SERVICE TO**  
**UNIVERSITY SENATE GOVERNANCE RECOGNITION**  
**(5 minutes)**

The recipients of the 2016 Outstanding Service to University Senate Governance Recognition - Donald Cavalier, Ann Hagen, and Naomi Scheman - will be presented with their certificates.

**5. SENATE CONSULTATIVE COMMITTEE REPORT**  
**(3 minutes)**

**6. MINUTES FOR MARCH 3, 2016**  
**Action by the University Senate**  
**(2 minutes)**

**MOTION:**

To approve the University Senate and Faculty Senate minutes, which are available at:

<http://www1.umn.edu/usenate/usenate/minutes/160303sen.pdf>

**JENNIFER ALEXANDER, CLERK**  
**UNIVERSITY SENATE**

**7. EQUITY, ACCESS, AND DIVERSITY COMMITTEE**  
**SOCIAL CONCERNS COMMITTEE**  
**STUDENT SENATE CONSULTATIVE COMMITTEE**  
**Resolution to Implement System-Wide Restroom and Locker Room Access**  
**Action**  
**(10 minutes)**

**Resolution to Implement System-Wide Restroom and Locker Room Access**

The University Senate recommends that the University of Minnesota implement system-wide restroom and locker room access policies and practices that support transgender and gender non-conforming persons; individuals who need the assistance of a caregiver who may be of a similar or different gender; and parents or guardians who need to help a child of a different gender.

**COMMENT:**

1. The University of Minnesota does not tolerate harassment or discrimination based on gender identity or gender expression. The University may deem it harassment or discrimination if

individuals are asked to leave or not enter restrooms or locker rooms due to their gender identity or gender expression, as perceived by another person.

2. The University will provide access in the following ways. The below recommendations<sup>1</sup> are based on national recommendations for creating more inclusive campus environments for transgender and gender non-conforming individuals and communities.
  - (a) Students, faculty, staff, and visitors to all University of Minnesota buildings may use the restrooms and locker rooms consistent with their gender identity.
  - (b) The University of Minnesota will provide accessible<sup>2</sup> gender-inclusive restroom facilities in main areas of all campus buildings, and require at least one accessible gender-inclusive restroom facility in all renovated or newly constructed buildings. Main areas refer to primary building entrances, on main thoroughways and floors, and in proximity to other restrooms.
  - (c) All gender-inclusive restrooms locations will be publicized on main campus maps and websites. These maps should be reviewed and updated quarterly, and updated whenever new data is available.
  - (d) Single-occupancy gender-specific restroom and locker rooms will be re-signed as single-occupancy, gender-inclusive restroom and locker room facilities when building codes allow<sup>3</sup>.
  - (e) Signs will be posted outside all gender-specific restroom and locker room facilities indicating the location of the nearest gender-inclusive restroom or locker room within a building.
  - (f) Posting of temporary gender-inclusive restroom and locker room signs over current gender-specific restroom and locker room signs in campus buildings where events are occurring in the absence of any available and accessible gender-inclusive restrooms or locker rooms within the building will be allowed.

**DEENA WASSENBERG, CHAIR  
EQUITY, ACCESS, AND DIVERSITY COMMITTEE**

**RANDY CROCE, CHAIR  
SOCIAL CONCERNS COMMITTEE**

**ROBERT STEWART, CHAIR  
STUDENT SENATE CONSULTATIVE COMMITTEE**

**8. SENATE CONSULTATIVE COMMITTEE  
Administrative Policy on Individual Conflicts of Interest  
Action  
(20 minutes)**

The draft to be approved is available at:  
[http://www1.umn.edu/usenate/usenate/docs/160505individual\\_COI\\_draft.pdf](http://www1.umn.edu/usenate/usenate/docs/160505individual_COI_draft.pdf)

---

<sup>1</sup> From: *Promising Practices for Inclusion of Gender Identity/Gender Expression in Higher Education*, 2011. Created by The Pennsylvania State University LGBT Student Resource Center: Emily A. Johnson, & Allison Subasic. With guidance from Genny Beemyn, Ph.D., Chicora Martin, Sue Rankin, Ph.D., & Nancy Jean Tubbs. Supported by the national Consortium of Higher Education LGBT Resource Professionals. Visit <http://www.umass.edu/stonewall/uploads/listWidget/25137/promising-practices.pdf> for a full copy.

<sup>2</sup> Meeting current laws and codes for accessibility and open during the full business hours of the building.

<sup>3</sup> Per Resolution 2014R-394, the City of Minneapolis “strongly encourages educational facilities within Minneapolis who offer single-user restrooms to provide such facilities in a gender-neutral manner wherever possible... [and] directs its regulatory-compliance, zoning, and similar departments and staff to affirmatively promote gender-neutrality in the provision of single-user restrooms in existing or new construction within Minneapolis.”

## **COMMENT:**

The University's Individual Conflicts of Interest administrative policies are being considered for revision. The attached draft policy combines two current policies, *Individual Conflicts of Interest* (<http://policy.umn.edu/operations/conflictinterest>), and *Individual Conflicts of Interest: Standards that Govern Those Involved in Clinical Health Care* (<http://policy.umn.edu/operations/clinicalcoi>). In addition, the draft policy includes a new "no income" standard for human participant study investigators.

Previous versions of the revised policy have been discussed at the November 5, 2015 and March 3, 2016 University Senate meetings. The current version is a result of those discussions as well as discussions with several Senate committees and with other committees and individuals across the University. Most of the discussion had been about the new "no income" standard, which is Section II.B. of the revised proposal.

The changes to Section II.B. from the version discussed at the March 3, 2016 Senate meeting include: 1. Narrows who is covered to "investigators." 2. Adds a time period definition. 3. Clarifies where money can go under the External Sales Agreement (ESA) provision. 4. Eliminates the requirement for a reporting plan under ESA provision (still can be required by Conflict Panel.) 5. Removes the IRB from the exception approval process. 6. Added, then removed, "perception of influencing the study" language. Also, in Section II.E., the language was changed from "sponsored by business entities" to "sponsored by companies."

**COLIN CAMPBELL, CHAIR  
SENATE CONSULTATIVE COMMITTEE**

## **9. FACULTY CONSULTATIVE COMMITTEE Freedom of Speech Discussion (30 minutes)**

This discussion will focus on the core principles document, available at:  
[http://usenate.umn.edu/usenate/docs/160505free\\_speech\\_core\\_principles.pdf](http://usenate.umn.edu/usenate/docs/160505free_speech_core_principles.pdf)

The addendum and recommendations are available for information at:  
[http://usenate.umn.edu/usenate/docs/160505free\\_speech\\_addendum.pdf](http://usenate.umn.edu/usenate/docs/160505free_speech_addendum.pdf)  
[http://usenate.umn.edu/usenate/docs/160505free\\_speech\\_recommendations.pdf](http://usenate.umn.edu/usenate/docs/160505free_speech_recommendations.pdf)

## **10. PRESIDENT'S REPORT (15 minutes)**

## **11. QUESTIONS TO THE PRESIDENT (10 minutes)**

Questions to the President should be submitted in writing to the University Senate office no later than Tuesday, May 3, 2016. The President may also choose to take questions from the floor.

## **12. UNIVERSITY SENATE OLD BUSINESS**

**13. UNIVERSITY SENATE NEW BUSINESS**

**14. UNIVERSITY SENATE ADJOURNMENT**

---

**THIS CONCLUDES THE UNIVERSITY SENATE BUSINESS.  
THE SUBSEQUENT ITEMS ARE FACULTY SENATE BUSINESS ONLY.**

---

**MEETING OF THE FACULTY SENATE**

**15. EDUCATIONAL POLICY COMMITTEE**

**Administrative Policy on Scheduling Examinations, Final Examinations, and Study Days  
Administrative Policy on Intercollegiate Athletic Events  
Information for the Faculty Senate**

**FOR INFORMATION:**

Amendments to the following policies were presented to the Educational Policy Committee for discussion and approval at the March 9, 2016, meeting:

Administrative Policy on Scheduling Examinations, Final Examinations, and Study Days  
[http://www1.umn.edu/usenate/fsenate/docs/160407exam\\_policy.pdf](http://www1.umn.edu/usenate/fsenate/docs/160407exam_policy.pdf)

Administrative Policy on Intercollegiate Athletic Events  
[http://www1.umn.edu/usenate/fsenate/docs/160407athletic\\_event\\_policy.pdf](http://www1.umn.edu/usenate/fsenate/docs/160407athletic_event_policy.pdf)

**SUE WICK, CHAIR  
EDUCATIONAL POLICY COMMITTEE**

**16. EDUCATIONAL POLICY COMMITTEE**

**Approval of Alternate Teaching Evaluation Form at Rochester  
Information**

**FOR INFORMATION:**

Based on the request by the University of Minnesota Rochester, SCEP grants a five-year exception to the Administrative Policy on Evaluation of Teaching for the Rochester Bachelor of Science in Health Professions (BSHP) degree so that it may use the discipline-specific evaluation form required by the Mayo School of Health Sciences (MSHS) for courses and clinicals in this degree.

Approved November 11, 2015

**SUE WICK, CHAIR  
EDUCATIONAL POLICY COMMITTEE**

**17. FACULTY CONSULTATIVE COMMITTEE REPORT  
(5 minutes)**

**18. FACULTY LEGISLATIVE LIAISONS UPDATE  
(5 minutes)**

**19. FACULTY CONSULTATIVE COMMITTEE  
Approval of Faculty Senate Officers  
Action by the Faculty Senate  
(2 minutes)**

**MOTION:**

To approve the following officers for 2016-17 as recommended by the chair of the Faculty Senate and the Faculty Consultative Committee:

- Clerk – To be named
- Parliamentarian – Professor Christopher Roberts
- Faculty Senate Vice Chair – Professor Catherine French

**COLIN CAMPBELL, CHAIR  
FACULTY CONSULTATIVE COMMITTEE**

**20. NOMINATING COMMITTEE FOR THE TWIN CITIES MEMBERS OF THE  
FACULTY CONSULTATIVE COMMITTEE  
Slate of Candidates  
Action by the Twin Cities Faculty Delegation and UMD Faculty Senators  
(2 minutes)**

**MOTION:**

To approve the following eight people to stand for election to the Faculty Consultative Committee, from which one of each pair are to be elected by the Twin Cities and non-represented UMD faculty for a term beginning July 1, 2019.

FIRST PAIR

**SHAWN CURLEY:** 1986\*, Professor of Information/Decision Sciences, Carlson School of Management. University Senate member: 2001-04, 2012-15. Senate Committee participation (past and present): Committee on Committees, 2012-15; Consultative, 2007-2011; Educational Policy, 2000-2006; ROTC Subcommittee, 2007-13; Student Academic Integrity, 2001-07; Chair: 2005-06; Student Affairs, 1988-90.

**AMY PITTENGER:** 2005\*, Associate Professor of Pharmacy Cyberlearning and Outreach, College of Pharmacy. University Senate member: None. Senate Committee participation (past and present): None.

SECOND PAIR

**TASOULLA HADJIYANNI:** 1992\*, Associate Professor of Design, Housing and Apparel, College of Design. University Senate member: None. Senate Committee participation (past and present): Research, 2015-18.

**PETER TIFFIN:** 2002\*, Professor of Plant Biology, College of Biological Sciences. University Senate member: None. Senate Committee participation (past and present): Judicial, 2015-18.

THIRD PAIR

**HEIDI BARAJAS** 1994\*, Associate Professor of Postsecondary Teaching and Learning, College of Education and Human Development. University Senate member: 2006-07. Senate Committee participation (past and present): Consultative, 2015-16.

**ROBERT BLAIR:** 2002\*, Professor of Fisheries, Wildlife, and Conservation Biology, College of Food, Agricultural, and Natural Resource Sciences. University Senate member: 2002-03. Senate Committee participation (past and present): Social Concerns, 2003-04.

FOURTH PAIR

**CARL FLINK:** 1996\*, Associate Professor of Theatre Arts and Dance, College of Liberal Arts. University Senate member: None. Senate Committee participation (past and present): Academic Freedom and Tenure, 2007-08, 2012-14; Co-Chair: 2012-14; Faculty Affairs, Ex Officio: 2012-14.

**PEGGY NELSON:** 1999\*, Professor of Speech, Language, Hearing Sciences, College of Liberal Arts. University Senate member: None. Senate Committee participation (past and present): None.

-----  
\*Date of initial appointment at the University.

**FOR INFORMATION:**

The Faculty Consultative Committee serves as the executive committee of the Faculty Senate and forms the faculty membership of the Senate Consultative Committee. Senate legislation has merged the Twin Cities faculty and non-represented UMD faculty for purposes of Faculty Consultative Committee elections. Should a non-represented UMD faculty member be elected, that individual will be a member of the Senate and Faculty Consultative Committees.

Additional nominations of eligible faculty, confirmed as willing to serve, may be made by: (1) petition of 12 voting members of the Twin Cities faculty, provided that the petition is in the hands of the clerk of the Senate the day before the Faculty Senate meeting; (2) nomination on the floor of the Faculty Senate by members of the Twin Cities Faculty Delegation when the slate is presented. If the nominees are paired, any additional nomination shall specify against which pair the nominee will run. The clerk of the Senate shall present the slate to the Twin Cities Faculty Delegation for its approval. In the event there are additional nominations, the Twin Cities Faculty Delegation will reduce the slate to twice the number to be elected by voting by secret ballot. The slate as approved shall be presented to the faculty for an election.

Members with terms continuing at least through next year are:

Colin Campbell, Medical School  
Dale Carpenter, Law School  
Jigna Desai, College of Liberal Arts  
Greta Friedemann-Sanchez, Public Affairs  
Joseph Konstan, College of Science and Engineering

The terms of Karen Mesce (College of Food, Agricultural, and Natural Resource Sciences), Christopher Uggem (College of Liberal Arts), and Jean Wyman (Nursing) expire at the end of the academic year. Additionally, Marlene Zuk's term on the Committee continued until 2018. However, due to an administrative appointment, she has resigned her seat on the Committee. That seat is being filled for the remainder of her term.

**CATHERINE FRENCH, CHAIR  
NOMINATING SUBCOMMITTEE**

**21. COMMITTEE ON COMMITTEES  
Slate of Faculty Candidates**

**Action by the Twin Cities Faculty Delegation and UMD Faculty Senators  
(2 minutes)**

**MOTION:**

To approve the following people to serve on the Committee on Committees for a term beginning July 1, 2016.

**SARAH CHAMBERS:** Professor of History; College of Liberal Arts.

**SAUMAN CHU:** Associate Professor of Design, Housing and Apparel; College of Design.

**DOUG ERNIE:** Associate Professor of Electrical and Computer Engineering; College of Science and Engineering.

**DAVID KIRKPATRICK:** Associate Professor of Genetics, Cell Biology, and Development; College of Biological Sciences.

**INGRID SCHNEIDER:** Professor of Forest Resources; College of Food, Agricultural, and Natural Resource Sciences.

**FOR INFORMATION:**

Of the faculty/academic professional members, 1 shall be from the Morris campus and the remainder from the Twin Cities campus. All faculty members of the Committee shall be elected by the faculty members of the Senate from their respective campuses. The Twin Cities faculty members of the Faculty Committee on Committees shall be nominated by the current Twin Cities faculty members of the Faculty Committee on Committees and shall be selected so that the membership of the committee corresponds approximately with the number of tenured and tenure-track faculty in each college.

The current membership of the committee is available at:  
<http://www1.umn.edu/usenate/committees/conc.html>

**DAVID KIRKPATRICK, CHAIR  
COMMITTEE ON COMMITTEES**

**22. FACULTY SENATE BYLAW AMENDMENTS  
Membership Changes  
Action by the Faculty Senate  
(5 minutes)**

**MOTION:**

To amend Article IV of the Faculty Senate Bylaws, as follows (language to be added is underlined; language to be deleted is ~~struck-out~~). As this motion is an amendment to the Faculty Senate Bylaws, the motion requires either a majority of all voting members of the Faculty Senate (82) at one regular or special meeting, or a majority of all voting members of the Faculty Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

**ARTICLE IV. COMMITTEES OF THE FACULTY SENATE (Changes to this article are subject to vote only by the Faculty Senate)**

...

## 5. Faculty Senate Committee Charges

...

### A. ACADEMIC FREEDOM AND TENURE COMMITTEE

...

#### Membership

The Academic Freedom and Tenure Committee shall be composed of:  
at least 7 faculty members (including at least 5 who are tenured and at least one from a system campus),  
2 academic professional members whose responsibilities are primarily teaching or research,  
1 postdoctoral fellow/associate,  
2 graduate students, and  
ex officio representation as specified by vote of the Faculty Senate.

Faculty, academic professional, and student members shall be appointed by the Committee on Committees. The postdoctoral fellow/associate shall be appointed by the Postdoctoral Association. The academic professional, postdoctoral fellow/associate, and graduate student members may not vote on any issue related to faculty tenure; the decision about whether a matter relates to tenure shall be determined by the chair. The chair of the committee shall be a tenured faculty member.

...

### F. FACULTY AFFAIRS COMMITTEE

The Faculty Affairs Committee is concerned with policies and procedures that influence the personal and professional welfare of the faculty and postdoctoral fellows/associates.

#### Membership

The Faculty Affairs Committee shall be composed of:  
at least 10 faculty members,  
2 academic professional members,  
1 graduate assistant,  
1 undergraduate student,  
1 2 postdoctoral fellow/associates, and  
ex officio representation as specified by vote of the Faculty Senate.

Faculty, academic professional, and student members shall be appointed by the Committee on Committees. Postdoc members shall be appointed by the Postdoctoral Association. The chair of the committee shall be a tenured faculty member.

#### Duties and Responsibilities

- a. To examine all policies and procedures of the University which influence the professional and personal welfare of the faculty and postdoctoral fellows/associates, and to recommend improvements in the design and implementation of faculty personnel policies, including such matters as tenure and promotion (in conjunction with the

Academic Freedom and Tenure Committee), salary and benefits, faculty development, and hiring and retirement alternatives.

- b. To examine and propose University policies and programs associated with faculty development.
- c. To examine and propose benefit options and benefit option counseling available for current and retired faculty (with the assistance of the Employee Benefits Department).
- d. To review the options, performance, and reporting of the Faculty Retirement Plan, with the assistance of the University's Office of Asset Management and Employee Benefits Offices and recommend appropriate changes.
- e. To monitor any legislation and other policies affecting faculty or postdoctoral fellow/associate welfare.
- f. Interact with the ~~Council of Academic Professionals and Administrators (CAPA)~~ P&A Consultative Committee on all items that jointly impact academic staff and faculty, such as benefits and retirement.
- g. To recommend to the Faculty Consultative Committee such actions or policies as it deems appropriate.

...

**COMMENT:**

The Academic Freedom and Tenure Committee is recommending the addition of a postdoctoral fellow/associate so that their views are represented in committee discussions.

The Faculty Affairs Committee is recommending that welfare for postdoctoral fellows/associates be added to its charge. The additional changes are simply clean-up to remove references to previous governance bodies.

**DAVID KIRKPATRICK, CHAIR  
SENATE COMMITTEE ON COMMITTEES**

**23. LIBRARY COMMITTEE  
RESEARCH COMMITTEE  
Administrative Policy on Copyright Ownership  
Action by the Faculty Senate  
(10 minutes)**

The draft to be approved is available at:  
<http://www1.umn.edu/usenate/fsenate/docs/1604copyright.pdf>

**COMMENT:**

The Regents Policy on Commercialization of Intellectual Property Rights claims for the University ownership in software, but excludes ownership of copyrighted works covered by other policies. The Regents Policy on Copyright gives copyright ownership in academic works to faculty and faculty-like authors. Two issues are presented by these two policies: software, once written, may be copyrighted. Further, in some disciplines, software may be considered an

academic work. The additional language in the Administrative Policy on Copyright Ownership clarifies conditions under which software may be covered under the Regents Policy on Copyright.

These changes were approved by the Library Committee on February 20, 2016, and the Research Committee on February 15, 2016.

**DAVID FOX, CHAIR  
LIBRARY COMMITTEE**

**LADORA THOMPSON, CHAIR  
RESEARCH COMMITTEE**

**24. PROVOST'S REPORT  
(10 minutes)**

**25. QUESTIONS TO THE PROVOST  
(10 minutes)**

Questions to the Provost should be submitted in writing to the University Senate office no later than Tuesday, May 3, 2016. The Provost may also choose to take questions from the floor.

**26. FACULTY SENATE OLD BUSINESS**

**27. FACULTY SENATE NEW BUSINESS**

**28. FACULTY SENATE ADJOURNMENT**

 KEY POLICY CHANGES

1. Expanded the title to cover contents of the policy.
2. Incorporates content from Individual Conflicts of Interest: Standards that Govern those that are Engaged in Clinical Health Care. That policy will be retired.
3. Provides new “no income” standard for human participant study investigators.
4. Clarifies standards governing relations with business entities to include prohibited activities, gifts, and consulting agreements.
5. Revises language to align with Board of Regents Policies and Public Health Service COI regulations.



## ADMINISTRATIVE POLICY

# Individual Conflicts of Interest and Standards Governing Relationships with Business Entities

**Policy Contents**

- **Policy Statement**
- **Reason for Policy**
- **Procedures**
- **Forms/Instructions**
- **Additional Contacts**
- **Definitions**
- **Responsibilities**
- **Appendices**
- **FAQ**
- **Related Information**

**Effective Date:** September 2005**Last Updated:** August 2012**Responsible University Officer:**

University President

**Policy Owner:**

Director, Office of Institutional Compliance

**Policy Contact:**Lynn  
Zentner

## POLICY STATEMENT

The University encourages its faculty and staff to engage in relationships with business entities to further the University's mission while acknowledging that inherent in these relationships is the risk that professional judgment may be improperly influenced by the existence of such relationships. All faculty and staff are held to a shared ethical standard of ensuring that their relationships with business entities are transparent, grounded in objectivity, and do not improperly influence their professional judgment, exercise of University responsibilities, or performance of University-related activities.

Some relationships with business entities require greater vigilance than others. For example, when a relationship with a business entity could influence decisions made in the provision of clinical health care or conduct of research involving human participants, ensuring the safety of patients and research participants is paramount.

This policy, which applies to all University faculty and staff, provides the framework to effectively identify and manage conflicts of interest, and establishes standards that enable faculty and staff to collaborate with business entities while ensuring that students, faculty and staff of the University, as well as the general public have

confidence in the integrity and objectivity of the University's research and discovery, teaching and learning, and outreach and public service activities.

Campuses, colleges, departments, and administrative units may adopt standards that are more, but not less, restrictive than those set forth in this policy.

## **SECTION I. REPORTING, REVIEW & MANAGEMENT OF RELATIONSHIPS WITH BUSINESS ENTITIES**

**Report of External Professional Activities (REPA).** All paid faculty, Professional and Academic Administrative employees (P&A), and other individuals designated by a senior leader or their designate, or the Conflict of Interest (COI) Program staff, must comply with the following requirements to report significant financial interests and business interests they or their family members hold that relate to the covered individual's University expertise and responsibilities:

- **Annual reporting.** Covered individuals must complete an annual Report of External Professional Activities (REPA), even if they have no reportable external activities, significant financial interests, or business interests.
- **Change in circumstances reporting.** In addition to the annual reporting requirement, covered individuals must file a REPA within 30 days of:
  - Acquiring a significant financial interest or acquiring a business interest that relates to their University expertise and responsibilities;
  - Assuming a new University responsibility that relates to an existing business or significant financial interest; or
  - For Public Health Service (PHS) funded investigators, travel not previously reported that is related to one's University responsibilities, valued in excess of \$5000, and paid for or reimbursed by a business entity.
    - Travel paid for or reimbursed by a governmental agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education does not need to be reported.
    - The covered individual must disclose the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration.

Supervisors or designees within the covered individual's department, administrative unit, college, or campus are responsible for reviewing the REPA.

Conflict of Interest (COI) Program staff review REPAs that reflect a significant financial or business interest, and refer potential conflict of interest matters to a Conflict Review Panel (CRP). A Conflict Review Panel determines whether a conflict of interest exists and, if so, whether the conflict can be managed under the terms of a conflict management plan.

When a conflict management plan is established, the Conflict of Interest Program will conduct a compliance review 90 days after the plan is executed, and then annually until the conflict no longer exists and the management plan is retired by Conflict of Interest Program Staff. Compliance review results are reported to the Conflict Review Panel.

**Institutional Review Board (IRB) Applications.** Investigators, and individuals who enroll or consent participants, must disclose relevant financial interests and business interests when completing IRB applications for human participant studies.

### **Educational Requirements**

Covered individuals must complete the University's conflict of interest course (add Link) when filing the REPA for the first time, and every four years thereafter.

In addition, investigators engaged in PHS-funded research, to include sub-recipient investigators, must complete a conflict of interest course prior to engaging in research related to any PHS-funded grant, and must take the course immediately when:

- the University revises this conflict of interest policy or procedures in any manner that affects the requirements imposed on investigators;
- an Investigator is new to the University; or

- the University finds that an Investigator is not in compliance with this policy or a conflict management plan.

### **Disclosing Business and Significant Financial Interests**

All employees must disclose relevant business and significant financial interests in the following situations (see also **Appendix: Required Disclosures**):

- To patients (in the context of clinical health care) for whom the employee is prescribing or using a branded product;
- To sponsors of research;
- To professional journals and other publications;
- In the context of a public appearance;
- To students or trainees;
- When determined to be non-compliant with PHS regulations;
- When serving on supplier selection committees; and
- When required by the terms of a conflict management plan.

**University disclosure in response to external requests for financial conflict of interest information associated with PHS-funded research.** The Conflict of Interest Program will provide the following information in a written response within five business days of the request:

- the investigator's name, title, and role on the research;
- the name of the business entity in which the significant financial interest is held;
- the nature of the significant financial interest; and
- the approximate value of the significant financial interest in dollar ranges or a statement that the value cannot be readily determined.

For at least three years from the date on which the information was most recently updated, information concerning the significant financial interests of an investigator will remain available in order to respond to written requests for this information.

## **SECTION II. STANDARDS GOVERNING RELATIONSHIPS WITH BUSINESS ENTITIES**

### **A. Prohibited Activities.**

Employees are prohibited from engaging in the following activities with business entities (see Appendix: *Prohibited Activities with Business Entities* for more details.)

- Having a financial or personal beneficial interest in a University contract or purchase order (see Minnesota Statute, Section 15.43)
- Receiving personal gain from the use of instructional materials without proper administrative approval
- Ghostwriting
- Endorsing a product or service related to one's University responsibilities and expertise
- Accepting payment for the selection, use or promotion of products or services for University purposes.
- Accepting payment for the referral of students to prospective employers
- Accepting payment for the recruitment of patients for clinical research studies
- Accepting payment for participating in surveys intended to promote, market or sell a drug or medical device directly to the practitioner
- Using or disclosing nonpublic research information in violation of insider trading laws
- Making professional referrals to a business entity in which they have a business or financial interest.

### **B. Receiving Personal Remuneration from a Company While Participating in a Human Participant Study Sponsored by that Company.**

Investigators who participate in an open human participant research study requiring IRB approval and oversight that is sponsored by a company, or involves the development or evaluation of a company's product, device, or other technology, may provide consulting or speaking services ("services") for the company during the period of the research study under the following conditions:

1. Any payments made in exchange for the services are directed to the University under the

- terms of a University External Sales Agreement;
- 2. The funds are not used to support the salary of the investigator.
- 3. The arrangement is approved by a Conflict Review Panel.

For purposes of this provision, a human participant research study is open from the time the study is approved by the IRB until participant enrollment is closed and the primary outcome from the study has been published.

Investigators may receive study-related expenses as approved in the University budget for the study, including salary support and travel expenses.

An investigator may request that the Conflict Review Panel approve an exception to this provision in order to receive personal remuneration or equity from the company while participating in the study. Compelling circumstances must be present to warrant approval of the exception.

- C. **Gifts.** Employees are expected to exercise good judgment and should decline a gift that would compromise, or have the appearance of compromising, the employee's decision making in University matters.

A gift is any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, service, training, transportation, lodging, meals, or other item that constitutes a personal benefit to the recipient. It does not include an award given for merit, excellence in a certain field of expertise, or a particular accomplishment. It also does not include a gift made to the University or its Foundation for University purposes.

1. **Allowable gifts.** Employees may accept the following:

- modestly priced meals or other items (e.g., tote bags or door prizes) offered to all attendees at a widely-attended educational event or professional conference;
- meals approved in advance by the employee's chancellor, dean, or administrative unit head after determining that the meal is being offered in a context that supports the education, research, or outreach mission of the University. The value of the meal should be consistent with the standards set forth in Administrative Policy: *Traveling on University Business*
- a gift made in an international context; and
- items provided to employees pursuant to a University contract approved by the Office of General Counsel.

2. **Gift Acceptance Limits.**

- a. "University Officials" are subject to the provisions of Board of Regents Policy: *Gifts Received and Given by Regents and University Officials*.
- b. Employees involved in clinical health care may not accept gifts from any healthcare related business entity (e.g., pharmaceutical, biotechnology, medical device, or medical diagnostics) irrespective of the nature or value of the gift, including items of nominal value such as coffee mugs, pens, free services, or items with the name or logo of a business entity. Modest refreshments, such as coffee, donuts, and soft drinks may be accepted.
- c. Employees in direct contact with suppliers or potential suppliers to the University, or who may directly or indirectly influence a purchasing decision or contract by establishing specification, testing purchased products, evaluating contracted services, or otherwise have official involvement in the purchasing or contracting process, may not accept a gift directly or indirectly from a person, firm, or corporation to which a contract or purchase order has been or may be awarded, unless the value of the gift meets the "nominal gift" standard set forth in Administrative Policy: *Purchasing Goods and Services*.

3. **Disposition of Prohibited Gifts.** If an employee has received a gift that cannot be accepted, the employee may:

- return the gift;
- pay its market value;
- transfer the gift to charity; or

- share a perishable gift (e.g. a fruit basket or flowers) with the office if it is not practical to return the gift.

**D. Consulting with Business Entities.**

- 1. Written Agreement.** Employees who plan to provide compensated consulting services for one year or longer relating to their University expertise and responsibilities should enter into a signed, written agreement with the business entity prior to providing the consulting services. The written agreement should:
  - state the timeframe covered by the agreement;
  - describe the services and any deliverables to be provided by the employee;
  - state the amount of compensation and expenses to be paid; and
  - make clear that the employee is acting solely in his or her individual capacity and not on behalf of the University.
  - Compensation should fall within fair market value parameters for the services provided.
  - Payment of travel, food, and lodging expenses should be consistent with the standards set forth in Administrative Policy: Traveling on University Business.
- 2. Additional Compliance Obligations.**
  - a. Unless an exception is approved by a Conflict Review Panel, employees may not receive personal remuneration or equity from a company while serving as an investigator on a human participant study requiring IRB approval and oversight that is sponsored by that company, or involves the development or evaluation of that company's product, device, or other technology. See Section II B.
  - b. Employees must also comply with the requirements of Board of Regents Policy: Outside Consulting and Other Commitments, Administrative Policy: Outside Consulting and Other Commitments, and related administrative procedures.

**E. Attending or Participating in Events Sponsored by Companies**

- 1. Education and Training Events (non-accredited).**
  - a. Employees may attend on-site and off-site education and training events sponsored by companies. Employees may not accept compensation (e.g., an honorarium or consulting fees) simply for attending an education or training event sponsored by a company.
  - b. An on-site educational or training event that does not qualify as a "continuing education event" must receive prior approval from a chancellor, dean or administrative unit head, and must meet these criteria:
    - (1) the funding is in the form of a grant to the unit;
    - (2) the grant is unrestricted as to content and format of the activities for which it will be used; and
    - (3) the University co-sponsor retains ultimate control with respect to the final selection of speakers, the order of presentations, and their content.
  - c. Chancellors, deans, or administrative unit heads will determine whether to accept a company's offer to pay some or all of an employee's expenses to attend an off-site education or training event. Factors to consider include the University need for the employee's education or training, the substance of the agenda, the frequency of the training, and the venue.
- 2. Continuing Education Events (accredited).** Companies may fund on-site continuing education events if the following criteria are met:
  - a. the funding is in the form of a grant to the unit;
  - b. the grant is unrestricted as to content and format of the activities for which it will be used;
  - c. the University co-sponsor retains ultimate control with respect to the final selection of speakers, the order of presentations, and their content; and
  - d. the event meets applicable continuing education requirements.

Chancellors, deans, and administrative unit heads should develop guidance to govern these circumstances.

3. **Presentations at Events Sponsored by Business Entities.** Employees may give presentations in their individual capacities at events sponsored by companies where the subject matter of the event relates to the individual's University expertise and responsibilities if:
  - a. the information presented is evidence-based;
  - b. the employee represents that the lecture materials fairly reflect his/her independent views and not solely the views of the business entity; and
  - c. the following information is disclosed to the audience:
    - (1) the employee's business or financial relationship with the business entity, if any; and
    - (2) a representation that the employee is speaking and acting solely in his or her individual capacity and not on behalf of the University.

**F. Using Products Developed and Provided by Business Entities**

1. **Educational Materials.** In connection with their University responsibilities, employees may use educational materials developed or provided by business entities, but may not disseminate to students or require students to use educational materials that advertise or otherwise promote a product or service of the business. This provision does not prohibit the use of scientific articles published in peer reviewed journals even if some sections of the journal contain advertising.

When using educational materials developed by a business entity that do not reflect the name of the business entity that developed them, employees must disclose the name of the business entity, if known.

2. **Samples and Demonstration Items.** Units must centrally receive, document and disseminate free or discounted samples and demonstration items provided by a business entity. If such items are offered to an employee, he or she must refer the individual offering the items to a central location as designated by the particular campus, college or administrative unit.

This requirement does not apply to (a) textbooks, software and related educational items that are provided in limited quantity to University employees to review for potential course adoption, or (b) laboratory supplies, reagents or pharmaceutical products and medical devices, provided in limited quantity for evaluation purposes.

In the clinical health care context, for demonstration and educational purposes, employees are permitted to use a product or information found in a product branded with the name of a particular business entity with a patient for whom the product has been prescribed.

Chancellors, deans, and administrative unit heads may exempt certain arrangements from the requirements of this provision if they determine that the free sample or demonstration item would not influence any action an employee may take that could benefit the commercial interests of the business entity offering the free or discounted item.

**G. Presence of Business Entity Representatives on Campus.**

1. **Academic Health Center.** Representatives of business entities are not permitted in:
  - a. AHC college or school research, clinical or teaching areas unless invited by faculty or staff;
  - b. Clinical areas in colleges and departments outside the AHC unless invited by faculty or staff.
2. **Other campuses, colleges, and administrative units.** Chancellors, deans, and administrative unit heads are responsible for ensuring that the presence of representatives of business entities on campus supports the educational, research, and outreach missions of the University.

**H. Business Entity Sponsorship of Fellowships and Scholarships** Chancellors, deans, and administrative unit heads may accept the sponsorship of fellowships and scholarships by business entities under the following conditions:

1. the sponsorship must be in the form of a gift given to the University of Minnesota Foundation, or in the form of a grant given to the University through the Office of Sponsored Projects Administration;
2. the gift or grant must be made without any expectation of reciprocity;

3. the funds must be used to support educational programs and activities for students, residents, or fellows; and
4. the business entity is not permitted to select the recipient of a scholarship or fellowship.

**I. Sponsored Research Involving Sub-Grantees, Contractors, or Collaborators**

When individuals outside the University participate as a sub-grantee, contractor, or collaborator in sponsored research, the University, at least to the extent required by the research sponsor, will take reasonable steps to ensure that sub-grantees, contractors, or collaborators are adequately informed of their obligation to comply with all applicable conflict of interest reporting, review, and disclosure requirements as required by federal and state law, as well as all conflict of interest policies of research sponsors. This requirement is satisfied if the University's contract or other agreement with the sub-grantee, contractor, or collaborator includes a provision setting forth these obligations.

For PHS-sponsored research, the University will specify in the written agreement whether the University's or the sub-recipient's conflict of interest policy applies, and will specify time frames for the sub-recipient to act to enable the University to meet its reporting obligations to the PHS. Where the agreement specifies that the University's conflict of interest policy applies, only those provisions relating to reporting of financial interests, conflict of interest determinations and management, and conflict of interest training, are applicable.

**SECTION III. NON-COMPLIANCE**

Non-compliance with the provisions of this policy includes, but is not limited to, failing to timely disclose a significant financial or business interest, failing to complete educational requirements, intentionally filing an incomplete, erroneous, or misleading report of external activities, failing to provide additional information as required by the approving authority, or failing to follow an approved plan for managing, reducing or eliminating a conflict of interest.

Non-compliance with this policy may result in disciplinary action, up to and including termination of employment, as well as ineligibility of employees to submit grant applications, seek approval from the Human Research Protection Program, or supervise graduate students.

Failure to timely disclose a significant financial interest may result in a retrospective review to determine whether any PHS-funded research or portion of the research conducted during the period of noncompliance was biased. The retrospective review, reporting, and submission of a mitigation report if bias is found, will be conducted in accordance with PHS procedures established in 42 CFR 50.605(a)(3). See Administrative Procedure: *Retrospective Reviews and Mitigation Plans*.

---

**REASON FOR POLICY**

To implement Board of Regents Policy: *Individual Conflicts of Interest*, to comply with federal and state law. This policy is intended to ensure that covered individuals report and fully disclose financial and business interests that relate to their University expertise and responsibilities so that potential conflicts of interest can be reviewed and, where conflicts of interest are found to exist, eliminated, reduced, or effectively managed. To gain and maintain the public's trust, the University must demonstrate that the work that is conducted here is free from improper influence and bias that might otherwise result from external interests and relationships.

---

**PROCEDURES**

- *Reporting External Relationships and Business and Financial Interests*
- *Evaluating Reports of Business and Financial Interests and Managing Individual Conflicts of Interest*
- *Retrospective Reviews and Mitigation Plans*

---

**FORMS/INSTRUCTIONS**

- *Report of External Activities (REPA)*

---

## APPENDICES

- *Conflict of Interest Categories*
- *Prohibited Activities*
- *Required Disclosures*
- *Public Health Service (PHS) Agencies*

---

## FAQ

- [REPA FAQ](#)

---

## ADDITIONAL CONTACTS

Subject	Contact	Phone	Fax/Email
Primary Contact(s)	<a href="#"><u>Lynn Zentner</u></a>	612-626-7852	<a href="mailto:lzentner@umn.edu"><u>lzentner@umn.edu</u></a>
Policy or REPA questions	REPA Helpline	612-626-1462	<a href="mailto:REPAmail@umn.edu"><u>REPAmail@umn.edu</u></a>

---

## DEFINITIONS

### **Accredited**

An educational or training event that meets the requirements for continuing education credits established by a recognized continuing education organization or body.

### **Business Entity**

Any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other nongovernmental legal entity organized for profit, nonprofit, or charitable purposes.

### **Business Interest**

Holding any executive position (e.g. Chief Executive Officer, Chief Operating Officer, Chief Scientific or Technical Officer) in a business or membership on a board of a business entity, whether or not such activities are compensated. The term "board of directors" refers to the board of any business including boards of trustees, scientific advisory boards, medical advisory boards, and boards of professional societies.

### **Change in Circumstance**

The occurrence of one of the following events that triggers the obligation of an employee to file a REPA within 30 days:

- an increase in the value of an existing financial interest, or the acquisition of a new financial interest, that qualifies as a significant financial interest related to an employee's University expertise and responsibilities;
- the assumption of a paid or unpaid executive or board position in a business entity that is related to an employee's University expertise and responsibilities;
- a change in University responsibilities (e.g., a new research project) that relates to an existing business or significant financial interest;
- (for PHS sponsored researchers only) travel related to one's University responsibilities valued in excess of \$5000 paid for or reimbursed by an entity that is related to your University responsibilities (does not include travel paid for or reimbursed by a governmental agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education).

**Clinical Health Care**

The provision of medical, nursing, or other health-related care to humans or animals for the treatment of disease or injury.

**Company**

An organization that produces or sells goods or services in order to make a profit.

**Conflict of Interest (Individual)**

A relationship between a covered individual's private business or financial interests, or those of the covered individual's family members, and the covered individual's expertise and responsibilities such that an independent observer might reasonably question whether the individual's objectivity in the performance of University responsibilities could be compromised by considerations of personal gain.

In the context of research, a conflict of interest exists when a significant financial interest or business interest could directly and significantly affect the design, conduct, or reporting of the research.

**Conflict Management Plan (CMP)**

A formal document approved by the applicable conflict review panel that directs the covered individual's management of the conflict of interest.

**Conflict Review Panel (CRP)**

The entity with the authority to make conflict of interest determinations and develop conflict management plans. The panel consists of voting and nonvoting (ex-officio) members. Voting members may include faculty, professional academic and administrative staff, and community members whose appointments to the panel have been approved by the University's Senior Vice Presidents. Nonvoting members may include representatives from the Office of Institutional Compliance, Office for Technology Commercialization, Sponsored Projects Administration, Human Research Protection Program, Office of Research Education & Oversight, and the Office of the General Counsel.

**Consulting**

An outside commitment that is paid professional service intended to further the interests of an outside party, regardless of whether such services are provided as an employee of the outside party, an independent contractor, a business owner, or as a director or manager.

**Covered Individual**

Includes the following: (a) faculty and staff; (b) individuals with responsibility for the design, conduct, or reporting of University research; and (c) other individuals authorized to act on behalf of the University to fulfill its research and discovery, teaching and learning, and outreach and public service mission.

**Employee**

An individual employed by the University of Minnesota under any of the Employee Groups and Classifications defined in Board of Regents Policy: *Employee Group Definitions*.

**Endorsement**

A promotional statement made to further the commercial interests of a business entity.

**Equity Interest**

Any stock, stock option, or other ownership interest in a business entity, as determined through reference to public prices or other reasonable measures of fair market value.

**Fair Market Value**

The rate of compensation paid under a consulting agreement to a covered individual that meets the following criteria:

- reflects the expertise and credentials of the covered individual;
- is comparable to the compensation paid to the covered individual's peers;
- is reasonable in the context of the services provided; and

- does not include an enhancement in exchange for an agreement to improperly:
  - make or induce others to make referrals to a business entity;
  - make or induce others to endorse the products or services of a business entity; or
  - improperly influence research results to benefit the interests of a business entity.

**Family Member**

The covered individual's spouse or domestic partner, dependent children, and any other family member whom the covered individual reasonably knows may benefit personally from actions taken by the covered individual on behalf of the University.

**Financial Interest and Significant Financial Interest**

**a. Financial Interest**

Anything of monetary value, including, but not limited to:

- An interest in a business consisting of any stock, stock option, or similar equity interest (excluding any interest arising solely because the investment is in a pension, mutual fund, or other institutional investment fund over which the employee does not exercise control); or
- The receipt of or the right or expectation to receive any income, such as a consulting fee, honoraria, salary, allowance, royalty, or any other form of compensation from a business entity.

**b. Significant Financial Interest**

For covered individuals involved in clinical health care, or who are responsible for the design, conduct, or reporting of research funded by, or applied for from, the Public Health Service (PHS), where the aggregated value of the financial interest in a business entity held by the covered individual and family members exceeds:

- \$5,000 in annual remuneration received plus the value of any equity interest held in a publicly traded business entity;
- \$5,000 in royalty income received;
- \$5,000 in annual remuneration received from a non-publicly traded business entity; or
- any equity interest held in a non-publicly traded company.
- For PHS sponsored researchers only: travel valued in excess of \$5000 annually paid for or reimbursed by an entity unless the travel was paid for or reimbursed by a governmental agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education. The covered individual must disclose the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration.

For all other covered individuals, where the aggregated value of the financial interest in a business entity held by the covered individual and family members exceeds:

- \$10,000 equity interest or an ownership share of 5% (regardless of worth) in a business entity as determined through reference to public prices or other reasonable measures of fair market value;
- \$10,000 in annual remuneration and royalties.

**Institution of Higher Education**

A public or nonprofit educational institution in the United States that is accredited or pre-accredited by a nationally recognized accrediting agency or association, and provides a post-secondary program of education for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward a bachelor's degree.

**Investigator**

The project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research, which may include, for example, collaborators or consultants.

**Non-compliance**

Non-compliance with the provisions of this policy includes, but is not limited to, failing to timely disclose a significant financial or business interest, failing to complete educational requirements, intentionally filing an incomplete, erroneous, or misleading report of external activities, failing to provide additional information as required by the approving authority, or failing to follow an approved plan for managing, reducing or eliminating a potential conflict.

**Practitioner**

A licensed doctor of medicine, licensed doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, licensed veterinarian, licensed advanced practice registered nurse, a physician assistant authorized to prescribe, dispense, and administer under Minnesota Statute chapter 147A, and a dental therapist authorized to dispense and administer under Minnesota Statute chapter 150A.

**Public Health Service Agencies**

Federal funding source for research. See Appendix: [Public Health Service Agencies](#).

**Remuneration**

Includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, and paid authorship).

**Report of External Professional Activities (REPA)**

The form in the Electronic Grants Management System (EGMS) used by covered individuals to report external professional activities at least annually.

**Sponsored Project**

An externally funded activity that is governed by specific terms and conditions. Sponsored projects must be separately budgeted and accounted for subject to terms of the sponsoring organization. Sponsored projects may include grants, contracts (including fixed price agreements), and cooperative agreements for research, training, and other public service activities.

**Travel Expenses**

Costs of transportation, lodging, meals and incidentals.

**Unit Head**

The department, unit, or division head, as appropriate.

**University Responsibilities**

Teaching, research, outreach, public service, and administrative activities. These activities also include clinical activities engaged in by faculty covered under private practice plans.

**Widely attended educational event or professional conference**

An event or conference that is attended by either a large number of people throughout an industry or profession, or by those representing a wide range of interests.

---

**RESPONSIBILITIES****Collegiate Approver/Reviewer**

The senior administrative officer for the college or administrative unit (typically a dean or vice president) or that officer's designee. Reviews REPA. Follows up with the employee if there are questions regarding the information reported. Approves REPA where the employee has no reportable interests.

**Conflict of Interest Program**

Administers the REPA reporting and conflict of interest review and management process.

**Conflict Review Panel (CRP)**

Reviews matters referred by the Executive CRP to determine if a conflict of interest exists and, if a conflict of interest exists, takes action to manage, reduce, or eliminate the conflict.

**Covered Individual**

Reports external professional activities and financial and business interests as required by University policy. Must disclose significant financial and business interests no later than the time of application for sponsored research. Complies with terms of conflict management plans (CMP), and confirms CMP compliance with the COI Program as required

**Department Approver/Reviewer**

The employee’s immediate administrator; typically the department head, department chair, or department/division director. Follows up with the employee if there are questions regarding the information reported, and approves the REPA for further review by the Collegiate Approver.

**Employee**

Complies with Standards Governing Relationships with Business Entities.

**Executive Conflict Review Panel**

A subset of a full conflict review panel consisting of the chair, vice chair, representatives from the Office of Institutional Compliance, and a representative from the Office of the General Counsel. Reviews matters presented by COI Program staff to determine whether to refer to the full panel for review. Can make “no conflict of interest” determinations.

**Office for Technology Commercialization**

Refer employees who plan to hold a business interest and/or equity in a University startup to the Conflict of Interest Program.

---

RELATED INFORMATION

**Board of Regents Policies:**

- *Code of Conduct*
- *Individual Conflicts of Interest*
- *Institutional Conflict of Interest*
- *Purchasing*

**Administrative Policies:**

- *Outside Consulting and Other Commitments*
- *Institutional Conflict of Interest*
- *Purchasing Goods and Services*
- *Purchasing a Professional Service*
- *Traveling on University Business*
- *Educational Materials Conflict of Interest: Twin Cities, Crookston, Morris, Rochester*

**Other Related Information:**

- *Conflict of Interest On-Line Course*
- Minnesota Statute, Section 15.43, "Acceptance of advantage by state employee: penalty"
- Federal Acquisition Regulations

---

## HISTORY

**Amended:**

August 2012 - The policy clarifies a) periodic reporting requirements and b) application of the conflict of interest policy to certain sub-recipients of PHS-sponsored research.

**Amended:**

October 2010 - The policy: a) expanded reporting requirements to reflect the change in the definition of family members, b) differentiates operationally the ethical standards that apply to those individuals whose University responsibilities involve higher risk activities; c) adds standards to govern relationships with business entities, e.g., the acceptance of gifts, the presence of business representatives on campus, and the use of products developed and provided by business entities; and d) incorporates a separate appendix covering those individuals involved in the provision of clinical health care. Title changed to Individual Conflicts of Interest.

**Amended:**

February 2010 - Updated Administrative Procedure: *Evaluating and Managing Individual Conflict of Interest Disclosures* with additional language about IRB involvement in evaluation and management of conflicts.

**Amended:**

October 2009 - Added Frequently Asked Questions.

**Effective:**

September 2005

**Supersedes:**

September 2005 - Administrative Policy: *Purchasing Conflict of Interest*, issued 1/1993, revised 9/2003. See Board of Regents Policy: *Individual Business or Financial Conflict of Interest* for more details on the history of this policy.



# Copyright Ownership

**Responsible University Officer:** Senior Vice President for Academic Affairs and Provost

**Policy Owner:** Senior Vice President for Academic Affairs and Provost

**Policy Contact:** [Nancy Sims](#)

## POLICY STATEMENT

Copyright protects and promotes the creation of intellectual assets that are critical to academic endeavors and thus is fundamental to the creation and sharing of knowledge. The Board of Regents Policy: *Copyright* and federal law establish rules governing the ownership of works created by University faculty, staff and students.

**Copyright Ownership by Faculty and by Employees with Faculty-Like Appointments.** University faculty and University employees who have a "faculty-like" appointment own the copyright in their academic works as provided in Board of Regents Policy: *Copyright*.

Faculty members and University employees with faculty-like appointments also hold the copyright in software that they develop in the course of or within the scope of their University employment and that is an academic work. As provided in section IV, subdivision 2 of Board of Regents Policy: *Copyright* the University claims ownership of the copyright in that software if:

- it was a directed work;
- a specially ordered or commissioned work;
- a work of administration; or
- a work created under a sponsored project.

The University also claims ownership of the copyright in software developed in the course of or within the scope of an individual's University employment if it is not an academic work and in software so developed by an individual who is not a member of the faculty and does not hold a faculty-like appointment. Under the Board of Regents Policy: *Commercialization of Intellectual Property Rights* policy, the University claims ownership of the patent rights in all software developed at the University including software that is an academic work.

A person may perform faculty-like duties as part of his or her position and, therefore, under Board of Regents Policy: *Copyright*, be deemed to have a faculty-like appointment in connection with those particular duties only; the balance of the person's duties would not constitute a faculty-like appointment.

The dean or the chair/head of the relevant unit will decide whether an individual holds a faculty-like appointment based on the definition of faculty-like contained in Board of Regents Policy: *Copyright*. The decision whether an individual holds a faculty-like appointment may be appealed. Such decision is relevant only in relation to Board of Regents Policy: *Copyright*.

**Copyright Ownership by Students.** Students own the copyright in works created in or as part of a University course. Nevertheless a University college, department or unit may reserve rights to use the work consistent with the rules and guidelines of the relevant college, department or unit. The University may require a student, as a condition of enrolling in a course or course of study or otherwise participating in a University activity, to permit it to reproduce, distribute, display, perform or otherwise use a work the

student authored. The University also may require a student to permit the University to archive a work created and owned by the student.

The University owns the copyright in works created by students as part of their employment by the University, for example as research or teaching assistants. The University will permit a University faculty member or a University employee who has a "faculty-like" appointment to use a work created by a student as part of the student's employment as the University faculty member's or such University employee's research or teaching assistant. The permission extends to using the work in performing academic duties (including creating an academic work) at the University. The University generally will not assert ownership interest in the copyright in an academic work authored jointly by University faculty or University employee who has a "faculty-like" appointment and by a University student employed as a research assistant. The University will only claim copyright ownership in such a work if the work is a directed work, a work specially ordered or commissioned by the University, a work created in connection with the administration of the University or a work created pursuant to a contract with an outside sponsor that provides for University ownership of the copyright in the work.

**Copyright Ownership by the University.** Federal copyright law vests in an employer ownership of the copyright in works authored by its employees in the course of their employment. Federal law, however, permits employers to vest that copyright ownership in its employees in designated works or classes of works. Consistent with federal law, the University owns the copyright in works created by University employees in the course of their employment except for ownership rights vested in faculty, University employees holding a "faculty-like" appointment and students as provided in Board of Regents Policy: *Copyright*.

The University owns the copyright in audio and visual recordings or transmissions of courses, lectures or other events delivered by University faculty, staff or students to University students and others. However, the University's claim extends only to recordings or transmissions created by it or its agents or contractors, not to recordings created by faculty or University employees with "faculty-like" appointments at that person's direction and instigation. The University's recording or transmitting of such a lecture or other audio or video presentation, standing alone, would not grant the University under federal law any ownership interest in an academic work presented in the lecture or presentation.

**Ownership of Joint Works.** Federal copyright law grants authors of a joint work equal ownership and rights to use the work. Federal law permits such authors to agree to different ownership and use rules. The University encourages authors of a joint work created at the University to enter into a written agreement providing for ownership, attribution, use, sharing of royalty or other income, and the registration and protection of the work.

**Registration and Protection of Works.** The University will not register or otherwise protect or enforce the copyright in works it does not own. The University may register and protect the copyright in a work in which it has some right, title or interest.

**Management of Copyrights.** Having a more open access to works created by University faculty, staff and students, directly and strategically benefits the University and University faculty, staff and students who will use the works. The University encourages owners of academic works to manage the copyright in the works so as to provide the greatest possible scholarly and public access to the works.

**Credit and Attribution.** Irrespective of copyright ownership, there is a professional and ethical obligation of University faculty, staff or students to credit or attribute creation of a work appropriately.

**Reports.** Annually, the Senior Vice President for Academic Affairs and Provost (or designate) will report to the Faculty Consultative Committee on the implementation of Board of Regents Policy: *Copyright* and the related administrative policy and procedure.

## REASON FOR POLICY

This administrative policy implements Board of Regents Policy: *Copyright*. The policy promotes compliance and provides guidelines for following the Copyright Policy.

## PROCEDURES

There are no procedures associated with this policy.

## FORMS/INSTRUCTIONS

There are no forms associated with this policy.

## APPENDICES

There are no appendices associated with this policy.

## FREQUENTLY ASKED QUESTIONS

See: <http://www.academic.umn.edu/provost/reports/copyright.html#faq>

## ADDITIONAL CONTACTS

<b>Subject</b>	<b>Contact</b>	<b>Phone</b>	<b>Fax/Email</b>
<b>Primary Contact</b>	<u>Nancy Sims</u>	<b>612-624-1851</b>	<u>nasims@umn.edu</u>

## DEFINITIONS

### **Academic work**

A "scholarly, pedagogical or creative work . . ." Board of Regents Policy: *Copyright*, §II, subd. 3. Whether a work is an academic work or not will be determined consistent with the traditions, customs and practices within the relevant academic discipline.

### **Copyright Protection**

The rights granted by federal law to the owner of a copyright in a work to do and to authorize (others to do) any of the following:

- to reproduce the copyrighted work;
- to prepare derivative works based upon the copyrighted work;
- to distribute copies or phonorecords of the copyrighted work;
- to perform certain copyrighted works publicly;
- to display certain copyrighted works publicly; and
- to perform sound recordings publicly by means of a digital transmission.

See United States Code, Chapter 17, §106.

### **Directed Works**

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." The agreement to create a directed work must be in writing.

### **Joint Work**

A "work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole." United States Code, Chapter 17, §101.

### **Faculty**

Members of the faculty as defined in the policies of the Board of Regents. See Board of Regents Policy: *Employee Group Definitions*.

**Faculty-Like Appointment**

A "University employee who teach[es] or conduct[s] research at the University with a level of responsibility and self-direction similar to that exercised and enjoyed by faculty in a similar activity." Board of Regents Policy: *Copyright*, §II, subd. 4.

**Student**

"A registered student at the University." Board of Regents Policy: *Copyright*, §II, subd. 5.

**Work**

"A work protected under the United States copyright law." Board of Regents Policy: *Copyright*, §II, subd. 4. Federal law provides that "copyright protection subsists . . . in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device." United States Code, Chapter 17, §102.

## RESPONSIBILITIES

**Faculty and "faculty-like" employees**

Manage the copyright in works they own under Board of Regents Policy: *Copyright*.

## RELATED INFORMATION

- Board of Regents Policy: *Commercialization of Intellectual Property Rights*
- Board of Regents Policy: *Copyright*
- Board of Regents Policy: *Outside Consulting and Other Commitments*
- Board of Regents Policy: *Academic Freedom and Responsibility*

## HISTORY

**Amended:**

March 2016 - Specifies who holds the copyright in software that faculty and "faculty-like" employees develop as part of their University employment that is academic work.

**Effective:**

October 2008

**Motion:** The Faculty Consultative Committee (FCC) provisionally approves the two-page statement of principles, pending consideration and consultation by the Senate Academic Freedom & Tenure Committee, the Office for Equity & Diversity, the Student Senate, provost and president.

Approved by a majority of voting members of the FCC on March 10, 2016.

## **Free Speech at the University of Minnesota: Four Core Principles**

Faculty Consultative Committee  
March 10, 2016

University of Minnesota Board of Regents policy guarantees the freedom “to speak or write as a public citizen without institutional restraint or discipline.”<sup>1</sup> The protection of free speech, like the related protection of academic freedom, is intended “to generate a setting in which free and vigorous inquiry is embraced in the pursuit of ‘the advancement of learning and the search for truth,’ in the words emblazoned on the front of Northrop Auditorium.”<sup>2</sup> Ideas are the lifeblood of a free society and universities are its beating heart. If freedom of speech is undermined on a university campus, it is not safe anywhere. The University of Minnesota resolves that the freedom of speech is, and will always be, safe at this institution.

Protecting free speech means embracing four core principles:<sup>3</sup>

(1) *A public university must be absolutely committed to protecting free speech, both for constitutional and academic reasons.* As a public institution, the University of Minnesota has a constitutional obligation under the First Amendment to safeguard the freedom of speech. As an academic institution, the University must cultivate a community-wide norm of respect for free speech that goes beyond ensuring mere First Amendment compliance. The University must accordingly guarantee to every member of its community the liberty to express ideas regardless of viewpoint. University officials must neither implicitly nor explicitly suppress, punish, or regulate protected speech because of its content. Every member of the University community—including administrators, faculty, offices, staff, and students—must respect both the right of others to speak and the right of listeners to hear that speech. No member of the University community has the right to prevent or disrupt expression.

---

<sup>1</sup> Board of Regents Policy, “Code of Conduct,” Sec. III, subd. 6 (as amended December 8, 2006) (available at [http://regents.umn.edu/sites/regents.umn.edu/files/policies/Code\\_of\\_Conduct.pdf](http://regents.umn.edu/sites/regents.umn.edu/files/policies/Code_of_Conduct.pdf))

<sup>2</sup> Faculty Senate Committee on Academic Freedom and Tenure, “University of Minnesota, Academic Freedom and Responsibility” (2011 White Paper) (available at [http://www1.umn.edu/usenate/aft/1112aft\\_white\\_paper.pdf](http://www1.umn.edu/usenate/aft/1112aft_white_paper.pdf)).

<sup>3</sup> For an elaboration of the four core principles and a discussion of the circumstances that have led to their promulgation in this document, see *Free Speech at the University of Minnesota: Addendum to the Four Core Principles* (FCC, 3-10-16). For recommendations addressed to the administration of the University that are designed to protect free speech, see *Free Speech at the University of Minnesota: Recommendations*. (FCC, 3-10-16).

(2) *Free speech includes protection for speech that some find offensive, uncivil, or even hateful.* The University cherishes the many forms of its diversity, including diversity of opinion, which is one of its greatest strengths. At the same time, diversity of opinion means that students and others may hear ideas they strongly disagree with and find deeply offensive. Indeed, students at a well-functioning university should expect to encounter ideas that unsettle them. The University encourages all members of the community to speak with respect and understanding for the dignity and life experiences of others. The shock, hurt, and anger experienced by the targets of malevolent speech may undermine the maintenance of a campus climate that welcomes all and fosters equity and diversity. But at a public university, no word is so blasphemous or offensive it cannot be uttered; no belief is so sacred or widely held it cannot be criticized; no idea is so intolerant it cannot be tolerated. So long as the speech is constitutionally protected, and neither harasses nor threatens another person, it cannot be prohibited.

(3) *Free speech cannot be regulated on the ground that some speakers are thought to have more power or more access to the mediums of speech than others.* The University invites experts, faculty, students, and others to stimulate vigorous debate. The University should take all reasonable steps to ensure that diverse opinions across the intellectual spectrum are both spoken and heard on campus. The University may use its resources to ensure that community members have space and access to present differing viewpoints. But University officials, like government officials, cannot assume the authority to pick and choose who may speak or how much they may speak based on the perception that some speakers have “too much” or “too little” power in public debate.

(4) *Even when protecting free speech conflicts with other important University values, free speech must be paramount.* As the classic Woodward Report on free speech at academic institutions concluded in 1974:

Without sacrificing its central purpose, [a university] cannot make its primary and dominant value the fostering of friendship, solidarity, harmony, civility, or mutual respect. To be sure, these are important values; other institutions may properly assign them the highest, and not merely a subordinate priority; and a good university will seek and may in some significant measure attain these ends. But it will never let these values, important as they are, override its central purpose. We value freedom of expression precisely because it provides a forum for the new, the provocative, the disturbing, and the unorthodox.<sup>4</sup>

Ordinarily, protecting free expression and enhancing human dignity go hand in hand. Speech has been a powerful tool for dismantling unjust hierarchies of discrimination and marginalization. The most effective response to offensive ideas is to rebut them with better ideas. Speakers are themselves subject to criticism from within the community for the substance of their ideas and the tone of their words. The University does not condone speech that is uncivil or hateful, and Universities officials should make this clear. Nevertheless, on those rare occasions when protecting expression conflicts with other values, like maintaining a climate of mutual respect on campus, the right to speak must prevail.

<sup>4</sup> Report of the Committee to the Fellows of the Yale Corporation, C. Vann Woodward, Chairman (1974) (available at <http://www.yale.edu/sites/default/files/files/freedom1975.pdf>).



UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS POLICY

Page 1 of 9

Academic

**STUDENT CONDUCT CODE**

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

Technical Change: July 8, 2015

Supersedes: (see end of policy)

**STUDENT CONDUCT CODE**

**SECTION I. SCOPE.**

This policy applies to all students and student **organizations groups** at the University of Minnesota (University), whether or not the University is in session.

**SECTION II. GUIDING PRINCIPLES.**

- (a) The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University.
- (b) The University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the University community.
- (c) The University is dedicated to responsible stewardship of its resources and to protecting its property and resources from theft, damage, destruction, or misuse.
- (d) The University supports and is guided by state and federal law while also setting its own standards of conduct for its academic community.
- (e) The University is dedicated to the rational and orderly resolution of conflict.
- (f) Students are entitled to the rights and responsibilities of other citizens with regard to freedom of speech, peaceable assembly, and right to petition. Students are entitled to exercise their rights to inquire and dissent, speak freely, and peaceably assemble and protest to the extent permissible under both the First Amendment and the Student Conduct Code.
- (g) Students are entitled to due process and procedural fairness protections, including the prompt notification of charges, the opportunity to respond, the right to an advocate of choice, and the right to the resolution of a case within a reasonable period of time.

**SECTION III. DEFINITIONS.**

**Subd. 1. Academic Environment.** *Academic environment* shall mean any setting where a student is engaged in work toward academic credit, satisfaction of program-based requirements, or related activities including but not limited to on-line courses, learning abroad, and field trips.

**Subd. 2. Campus.** *Campus* shall mean all University premises, including all land, buildings, facilities, and other property owned, possessed, leased, used, or controlled by the University, and adjacent streets and sidewalks.

**Subd. 3. Plagiarism.** *Plagiarism* shall mean representing the words, creative work, or ideas of another person as one's own without providing proper documentation of source. Examples include, but are not limited to:



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 2 of 9

Academic

### STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

Technical Change: July 8, 2015

Supersedes: (see end of policy)

- copying information word for word from a source without using quotation marks and giving proper acknowledgement by way of footnote, endnote, or in-text citation;
- representing the words, ideas, or data of another person as one's own without providing proper attribution to the author through quotation, reference, in-text citation, or footnote;
- producing, without proper attribution, any form of work originated by another person such as a musical phrase, a proof, a speech, an image, experimental data, laboratory report, graphic design, or computer code;
- paraphrasing, without sufficient acknowledgment, ideas taken from another person that the reader might reasonably mistake as the author's; and
- borrowing various words, ideas, phrases, or data from original sources and blending them with one's own without acknowledging the sources.

It is the responsibility of all students to understand the standards and methods of proper attribution and to clarify with each instructor the standards, expectations, and reference techniques appropriate to the subject area and class requirements, including group work and internet use. Students are encouraged to seek out information about these methods from instructors and other resources and to apply this information in all submissions of academic work.<sup>1</sup>

**Subd. 4. Student.** *Student* shall mean any person taking courses at the University or enrolled in a University program; any person participating as a student in University activities prior to the start of classes; any student who is not enrolled or registered for a particular term but has a continuing relationship with the University; any student who withdraws, transfers, or graduates after an alleged violation of the Student Conduct Code; and any already graduated student when the conduct at issue implicates the student's University degree.

**Subd. 5. Student ~~Organization~~Group.** *Student ~~organization~~group* shall mean any ~~organization~~group of students that is or has been registered as a University student ~~organization~~group under applicable University policies or procedures.

**Subd. 6. University-Sponsored Activities.** *University-sponsored activities* shall mean any program or event sponsored by the University, including but not limited to those sponsored by student ~~organizations~~groups, or athletics.

**Subd. 7. Medical Amnesty.** *Medical amnesty shall align with Minnesota Statutes § 340A.503, Subd. 8, and it shall mean that a student is not subject to Student Conduct Code disciplinary sanctions for underage possession and consumption of alcohol if the student contacts a 911 operator to report that the student or another student is in need of medical assistance for an immediate health or safety concern. To be eligible for medical amnesty, the student who initiates contact must be the first person to make such a report, must provide a name and contact information, must remain on the scene until assistance arrives, and must cooperate with the authorities at the scene. The student who receives medical assistance and up to two students acting in concert with the student initiating contact with a 911 operator shall also be immune from disciplinary sanctions.*

<sup>1</sup> Portions used with permission from New York Institute of Technology and University of Texas, San Antonio.



UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS POLICY

Page 3 of 9

Academic

STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

Technical Change: July 8, 2015

Supersedes: (see end of policy)

**SECTION IV. JURISDICTION.**

**Subd. 1.** The Student Conduct Code shall apply to student and student group conduct that occurs on campus or at University-sponsored activities.

**Subd. 2.** The Student Conduct Code shall apply to student and student group conduct that directly relates to the University's education, services, programs, or rules, including but not limited to scholastic dishonesty, hazing, violation of University rules, and falsification, whether the conduct occurs on campus or off campus.

**Subd. 3.** At the discretion of the president or delegate, the Student Conduct Code also shall apply to off-campus student and student group conduct when the conduct, as alleged, adversely affects a substantial University interest and either:

- (a) constitutes a criminal offense as defined by local, state, or federal law or ordinance, regardless of the existence or outcome of any criminal proceeding; or
- (b) indicates that the student or student group may present a danger or threat to the health or safety of the student or others.

**Subd. 4.** Conduct of a student who is a member of a student group will not be considered to be conduct of the student group unless the facts and circumstances surrounding the conduct suggest that the student group sponsored, organized, or otherwise endorsed the conduct.

**SECTION V. THE RESPONSIBILITIES OF DUAL MEMBERSHIP.**

Students are both members of the University community and of the state. Students are responsible to the community of which they are a part, and they are responsible to the academic community of the University. By enforcing its-the Student Conduct Code, the University neither substitutes for nor interferes with other civil or criminal legal processes. When a student is charged in both jurisdictions, the University will decide on the basis of its interests, the interests of affected students, and the interests of the community whether to proceed with its disciplinary process or to defer action. Determinations made or sanctions imposed under the Student Conduct Code will not be subject to change because criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor of the criminal law defendant.

**SECTION VI. DISCIPLINARY OFFENSES.**

Any student or student grouporganization found to have committed, attempted to commit, or assisted or abetted another person or group to commit the following misconduct is subject to appropriate disciplinary action under this policy:

**Subd. 1. Scholastic Dishonesty.** Scholastic dishonesty means plagiarism; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 4 of 9

Academic

### STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

Technical Change: July 8, 2015

Supersedes: (see end of policy)

test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, misrepresenting, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis.

**Subd. 2. Disruption of the Academic Environment.** Disruption of the academic environment means engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach and/or a student's ability to learn.

**Subd. 3. Falsification.** Falsification means willfully providing University offices or officials with false, misleading, or incomplete information; forging or altering without proper authorization official University records or documents or conspiring with or inducing others to forge or alter without proper authorization University records or documents; misusing, altering, forging, falsifying, or transferring to another person University-issued identification; or intentionally making a false report of a bomb, fire, natural disaster, or other emergency to a University official or an emergency service agency.

**Subd. 4. Refusal to Identify and Comply.** Refusal to identify and comply means willfully refusing to or falsely identifying one's self or willfully failing to comply with a proper order or summons when requested ~~by an authorized University official~~, by law enforcement personnel, ~~or~~ by emergency medical staff responding to an emergency, or by a University employee acting within the purview of his or her job responsibilities.

**Subd. 5. Attempt to Injure or Defraud.** Attempt to injure or defraud means making, forging, printing, reproducing, copying, or altering any record, document, writing, or identification used or maintained by the University when done with intent to injure, defraud, or misinform.

**Subd. 6. Harm to Person.** Harm to person means engaging in conduct that endangers or threatens to endanger the physical and/or mental health, safety, or welfare of another person, including, but not limited to, threatening, stalking, harassing, intimidating, or assaulting behavior.

**Subd. 7. Bullying.** Bullying means aggressive behavior directed at another person, ~~either in person or through electronic means~~, that causes stress or harm and that is repeated over time, including but not limited to assaulting, defaming, terrorizing, making obscene gestures, or invading privacy.

**Subd. 8. Sexual Misconduct.** Sexual misconduct means any non-consensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome. Sexual misconduct includes criminal acts that can be prosecuted under Minnesota state law, as well as under the Student Conduct Code and student employee discipline procedures. Sexual misconduct includes the following behaviors: sexual assault, relationship violence, stalking, and sexual or gender-based harassment. Full definitions of sexual misconduct can be found in the Board of Regents Resolution on Definitions of Sexual Misconduct. ~~Assault. Sexual assault means actual, attempted or threatened sexual contact with another person without that person's consent. Sexual assault is a criminal act that can be prosecuted under Minnesota state law, as well as under the Student Conduct Code and employee discipline procedures.~~

**Subd. 9. Disorderly Conduct.** Disorderly conduct means engaging in conduct that incites or threatens to incite an assault or breach of the peace; breaching the peace; obstructing or disrupting teaching,



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 5 of 9

Academic

### STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

Technical Change: July 8, 2015

Supersedes: (see end of policy)

research, administrative, or public service functions; or obstructing or disrupting disciplinary procedures or authorized University activities.

**Subd. 10. Illegal or Unauthorized Possession or Use of Weapons.** Illegal or unauthorized possession or use of weapons means possessing or using weapons or articles or substances usable as weapons, including, but not limited to, firearms, incendiary devices, explosives, and dangerous biological or chemical agents, except in those instances when authorized by law and, where applicable, by proper University authority.

**Subd. 11. Illegal or Unauthorized Possession or Use of Drugs or Alcohol.** Illegal or unauthorized possession or use of drugs or alcohol means possessing or using drugs or alcohol illegally or, where applicable, without proper University authorization.

**Subd. 12. Providing Alcohol to Minors.** Providing alcohol to minors means directly or indirectly providing alcohol to anyone under the legal drinking age.

**Subd. 13. Unauthorized Use of University Facilities or Services.** Unauthorized use of University facilities or services means wrongfully using University properties or facilities; misusing, altering, or damaging fire-fighting equipment, safety devices, or other emergency equipment or interfering with the performance of those specifically charged to carry out emergency services; or acting to obtain fraudulently—through deceit, unauthorized procedures, bad checks, or misrepresentation—goods, quarters, services, or funds from University departments or student organizations groups or individuals acting on their behalf.

**Subd. 14. Theft, Property Damage, or Vandalism.** Theft, property damage, or vandalism means theft or embezzlement of, damage to, destruction of, unauthorized possession of, or wrongful sale or gift of property.

**Subd. 15. Unauthorized Access.** Unauthorized access means accessing without authorization University property, facilities, services, or information systems, or obtaining or providing to another person the means of such unauthorized access, including, but not limited to, using or providing without authorization keys, access cards, or access codes.

**Subd. 16. Disruptive Behavior.** Disruptive behavior means willfully disrupting University events; participating in a campus demonstration that disrupts the normal operations of the University and infringes on the rights of other individuals; leading or inciting others to disrupt scheduled or normal activities of the University; engaging in intentional obstruction that interferes with freedom of movement, either pedestrian or vehicular, on campus; using sound amplification equipment on campus without authorization; or making or causing noise, regardless of the means, that disturbs authorized University activities or functions.

**Subd. 17. Hazing.** Hazing means any behavior act taken on University property or in connection with any University-related group or activity that endangers the physical and/or mental health or safety of an individual (including, without limitation, an act intended to cause personal degradation or humiliation), or that destroys or removes public or private property, for the purpose of initiation in, admission to, affiliation with, or as a condition for continued membership in a student group or University athletic team or organization.



UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS POLICY

Page 6 of 9

Academic

STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

Technical Change: July 8, 2015

Supersedes: (see end of policy)

**Subd. 18. Rioting.** Rioting means engaging in, or inciting others to engage in, harmful or destructive behavior in the context of an assembly of **three or more** persons disturbing the peace on campus, in areas proximate to campus, or in any location when the riot occurs in connection with, or in response to, a University-sponsored event. Rioting includes, but is not limited to, such conduct as using or threatening violence to others, damaging or destroying property, impeding or impairing fire or other emergency services, or refusing the direction of an authorized person.

**Subd. 19. Violation of University Rules.** Violation of University rules means engaging in conduct that violates University, collegiate, or departmental regulations that have been posted or publicized, including provisions contained in University contracts with students.

**Subd. 20. Violation of Local, State, or Federal Laws or Ordinances.** Violation of local, state, or federal laws or ordinances means engaging in conduct that violates a local, state, or federal law, or ordinance, including, but not limited to, laws governing alcoholic beverages, drugs, gambling, sex offenses, indecent conduct, or arson.

**Subd. 21. Persistent Violations.** Persistent violations means engaging in repeated conduct or action in violation of this Code.

**SECTION VII. SANCTIONS.**

Student and student **groups/organizations** found responsible for disciplinary offenses under the Student Conduct Code are subject to sanctions. Factors to consider in determining appropriate sanctions include: the nature of the offense, the severity of the offense, the culpability of the student or student **organization/group**, the impact on other students or members of the University community, and the opportunity for student development. Separation from the University through suspension or expulsion is a serious sanction that may be appropriate for: repeated violations of the **Student Conduct Code**, for serious scholastic dishonesty, and for misconduct that constitutes a threat to community safety or well-being (including, but not limited to harm to person and sexual assault), or significantly disrupts the rights of others or the operations of the University.

The University seeks to provide a safe, secure, and healthy environment for all students. Recognizing that the potential application of disciplinary sanctions could deter students from seeking medical attention for themselves or others, the University will provide medical amnesty as defined in Section III, Subd. 7. However, a student requiring emergency evaluation or treatment at a medical facility may be required to complete an alcohol assessment or education program. This is not considered a disciplinary response. Amnesty is granted only for violations of Section VI, Subd. 11, and does not apply to other possible violations of the Student Conduct Code (e.g., property damage or assault) which may have occurred during the time of intoxication. In circumstances involving a student group, the willingness of the student group's members to seek medical assistance for a member or a guest will be viewed as a mitigating factor in the review process for any possible violations.

The following sanctions may be imposed upon students or student **organizations/groups** found to have violated the **Student Conduct Code**:



UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS POLICY

Page 7 of 9

Academic

STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

Technical Change: July 8, 2015

Supersedes: (see end of policy)

**Subd. 1. Academic Sanction.** An academic sanction means a sanction affecting the course or academic work of the student for violation of Section VI, ~~Disciplinary Offenses, Subdivision Subd. 1, Scholastic Dishonesty.~~

**Subd. 2. Warning.** A warning means the issuance of an oral or written warning or reprimand.

**Subd. 3. Probation.** Probation means special status with conditions imposed for a defined period of time and includes the probability of more severe disciplinary sanctions if the student or student group is found to violate any institutional regulation during the probationary period.

**Subd. 4. Required Compliance.** Required compliance means satisfying University requirements, work assignments, community service, participating in a restorative justice process, or other discretionary assignments.

**Subd. 5. Confiscation.** Confiscation means confiscation of goods used or possessed in violation of University regulations or confiscation of falsified identification or identification wrongly used.

**Subd. 6. Restitution.** Restitution means making compensation for loss, injury, or damage.

**Subd. 7. Restriction of Privileges.** Restriction of privileges means the denial or restriction of specified privileges, including, but not limited to, access to an official transcript for a defined period of time.

**Subd. 8. University Housing Suspension.** University housing suspension means separation of the student from University Housing for a defined period of time.

**Subd. 9. University Housing Expulsion.** University housing expulsion means permanent separation of the student from University Housing.

**Subd. 10. Suspension.** Suspension means separation of the student or student group from the University for a defined period of time, after which the student is eligible to return to the University. Suspension may include conditions for readmission. The suspension may be deferred when an offense is serious enough to warrant separation from the University, but where the specific circumstances of the case justify special consideration.

**Subd. 11. Expulsion.** Expulsion means the permanent separation of the student from the University.

**Subd. 12. Withholding of Diploma or Degree.** Withholding of diploma or degree means the withholding of diploma or degree otherwise earned for a defined period of time or until the completion of assigned sanctions.

**Subd. 13. Revocation of Admission or Degree.** Revocation of admission or degree means revoking a student's admission to the University or revoking a degree already awarded by the University.

**SECTION VIII. INTERIM SUSPENSION.**

The president or delegate may impose an immediate suspension on a student or student organization-group pending a hearing before the appropriate disciplinary committee (1) to ensure the safety and well-being of members of the University community or to preserve University



UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS POLICY

Page 8 of 9

Academic

STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

Technical Change: July 8, 2015

Supersedes: (see end of policy)

property, (2) to ensure the student's own physical or emotional safety and well-being, or (3) if the student or student organization-group poses an ongoing threat of disrupting or interfering with the operations of the University. During the interim suspension, the student or student organization-group may be denied access to all University activities or privileges for which the student or student organization-group might otherwise be eligible, including access to University housing or property. The student or student organization-group has a right to a prompt hearing before the president or delegate on the questions of identification and whether the interim suspension should remain in effect until the full hearing is completed.

**SECTION IX. HEARING AND APPEALS OF STUDENT DISCIPLINE.**

**Subd. 1. Hearing Process.** Any student or student organization-group charged with violation of the Student Conduct Code shall have the opportunity to receive a fair hearing. A finding of responsibility for violation of the Student Conduct Code must be based on a preponderance of the evidence. The president or delegate shall ensure that each campus has a hearing process that includes the following:

- (a) notification of the report and a request to meet;
- (b) an informal meeting to learn more about the steps of the disciplinary process and to share information related to the incident;
- (c) if the student or student group is found responsible, a proposal of an informal resolution that includes the findings and disciplinary sanctions being offered to resolve the incident;
- (d) if the informal resolution is not accepted, a request for a formal hearing in which a panel will determine responsibility and potential sanctions; and
- (e) if the formal resolution is not accepted, a request for an appeal.

In exceptional circumstances where the University determines that an informal resolution is not appropriate, a student's responsibility will be decided through a formal hearing in which a panel will determine responsibility and possible sanctions. In regard to sexual misconduct cases, both the reporting party and the accused student have the opportunity to request a formal hearing and appeal as part of due process.

**Subd. 2. Appeals Process.** To safeguard the rights of students and student groups/organizations, the president or delegate shall ensure that each campus has a campus-wide appeals procedure to govern alleged violations of this policy. The appeals procedure shall provide both substantive and procedural fairness for the student or student organization-group alleged to have violated the Student Conduct Code and shall provide for resolution of cases within a reasonable period of time.

The appeals procedure must describe:

- (a) grounds for an appeal;
- (b) procedures for filing an appeal; and
- (c) the nature of an appellate review.



**UNIVERSITY OF MINNESOTA**  
**BOARD OF REGENTS POLICY**

Page 9 of 9

Academic

**STUDENT CONDUCT CODE**

**Adopted:** July 10, 1970

**Amended:** December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 12, 2012

**Technical Change:** July 8, 2015

**Supersedes:** (see end of policy)

**SECTION X. DELEGATION OF AUTHORITY.**

The president or delegate shall implement this policy, including publishing and distributing the [Student Conduct](#) Code and the procedures governing the student disciplinary process at the University.

**Supersedes:** Existing Disciplinary Appeals Policies in Contradiction and Specifically Repeals the Appeals Policies dated February 9, 1979.

## **Proposed Revisions to Board of Regents policy *Student Conduct Code* May 2, 2016**

The University of Minnesota Board of Regents has requested a comprehensive review of the Student Conduct Code, with particular interest in the addition of definitions for sexual misconduct, a clear articulation of due process protections, and medical amnesty language parallel to Minnesota state statute.

Staff members from the Office of the Board of Regents, the Office of the Senior Vice President for Academic Affairs, the Office of the Vice Provost for Student Affairs, the Crookston campus, the Duluth Campus, the Morris campus, the Rochester campus, and the Office of General Counsel, have been meeting with faculty, staff, and students across each campus to hear their perspective on these proposed changes and to identify other areas of concern.

To respond to the Board's requests and the feedback heard during those meetings, the group has drafted revised policy language (see attached) and is now seeking feedback before finalizing language to be presented for review by the ASA Committee at their May 12, 2016 meeting, and ASA and Full Board action in June.

The following provides background and rationale for each of the proposed changes.

**Sexual misconduct** – Proposed revisions to Section VI Disciplinary Offenses, Subdivision 8, broaden the term from “sexual assault” to encompass all types of sexual misconduct, including sexual assault, relationship violence, stalking, and sexual or gender-based harassment. Specific definitions of each of these terms will be included in a future revision to the Board of Regents policy on Sexual Harassment, to be guided by consultation with the federal Office of Civil Rights. Until that time, the current drafts of those definitions will be codified in a Board of Regents resolution.

**Due process** – The right to a fair, expedient and transparent process is fundamental to the entire student conduct process. As a central value, it is important to include the University's commitment to due process as part of the Guiding Principles. While the detail of each campus's due process procedure may vary, Section IX Hearing and Appeals of Student Discipline has been revised to specify the steps that each campus procedure must include.

**Medical amnesty** – Since 2013, Minnesota state statute has granted immunity from prosecution for the underage possession or consumption of alcohol to limited individuals in the event of a medical emergency. As an educational institution, the University of Minnesota has a responsibility to show care and concern for students in need of medical assistance for an immediate health or safety concern. Nationally, best practices at other institutions show that the University can demonstrate that duty of care by following up with that student from an educational, health-related perspective without the student incurring disciplinary sanctions in the process.

Recognizing that students identify strongly with groups of which they are members, and may hesitate to seek needed assistance for fear of bringing sanctions upon that student group, the proposed language encourages group members to seek such assistance by codifying that the willingness of group members to seek medical assistance for a member or guest will be viewed as a mitigating factor in the review process for any possible code violations.

**Peaceable assembly** – As provided by the First Amendment, students have the right and opportunity to participate in peaceable actions to engage in campus assemblies, protest, or other dissent activities. The addition of proposed Guiding Principle (f) affirms this right within the Student Conduct Code.

**Authorized University official** – This phrase in Section VI Disciplinary Offenses, Subdivision 4 led to the mistaken impression that there is a specific set of identifiable authorized University officials. The revision clarifies that some University employees may need to request that students identify themselves or comply with a request in the course of their job duties. For example, a residence hall staff member may ask a student to identify themselves or ask them to leave the premises if they believe the individual is not authorized to be in that location, or a faculty member may ask a student to identify themselves if they believe they are not on the class roster.

**Bullying** – The phrase “either in person or through electronic means” was deleted to focus the definition on the behavior and not the means.

**Rioting** – The phrase “three or more” was added to mirror the state statutory definition of rioting.

**Restorative justice** – Some campuses are working to develop a restorative justice model to address some conduct code violations; this change affirms that this model may be used.

**Interim suspension** – In rare circumstances, it is in the best interest of the University and the student to allow the student the opportunity to remain on campus for the duration of their suspension—for example, a student who has a substance abuse problem and has violated the conduct code but is seeking treatment, and that treatment would be most effective if the student remains engaged with their studies. The addition of this language about deferred suspension allows for this option in the event it is needed.

**Student organization to student group** – The term student group(s) replaced student organization(s) throughout the document. This reflects more broad use of the term student group(s) as an umbrella for all types of groups that register with the University on each of its system campuses.

Also, the term student group(s) was added in some sections (e.g. Section IV Jurisdiction) where current reference is just to “student.” This clarifies that the entire Student Conduct Code applies to student groups as well as individual students, as currently stated in Section II Scope.

In addition, a new subdivision to Section IV Jurisdiction makes clear that simply being a member of a student group does not implicate that group for any conduct of the individual; rather, conduct of an individual or individuals is determined to be conduct of the group only when that conduct occurred within the purview of a student group activity.

To reinforce this, the current Twin Cities campus protocol for handling student group conduct situations will be codified in the form of a procedure for the Administrative policy *Resolving Alleged Violations of the Student Conduct Code*. This procedure will mirror the format and complement the existing procedure, but will be more specific to the student group disciplinary process, including:

- Identification of two levels of student group policy violations, “minor violations” that are resolved by Student Unions & Activities (SUA), and “serious or multiple violations,” which are handled jointly by SUA and the Office for Student Conduct and Academic Integrity (OSCAI).
- Clarification that it is the role of SUA and OSCAI to review complaints or reports against any student groups and determine sanctions. The Office for Fraternity and Sorority Life (OFSL) may be consulted in the process related to Greek organizations.

## **Draft Definitions of Sexual Misconduct**

### **May 2, 2016**

Definitions of sexual misconduct will be included in a future revision to the Board of Regents policy on Sexual Harassment, to be guided by consultation with the federal Office of Civil Rights. Until that time, the following current drafts definitions will be codified in a Board of Regents resolution and referenced by the Student Conduct Code.

#### **RELATIONSHIP VIOLENCE**

Relationship Violence (also referred to as “dating violence” or “domestic violence”) includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Relationship violence may include any form of prohibited conduct under this policy. The University will evaluate the existence of an intimate relationship based upon the reporting party’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Physical assault is threatening, causing physical harm, or engaging in other conduct that threatens or endangers the health or safety of any person. Physical assault will be addressed under this policy if it involves sexual or gender-based harassment, relationship violence, or is part of a course of conduct under the stalking definition.

#### **SEXUAL ASSAULT**

Sexual assault consists of sexual contact and/or sexual intercourse that occurs without affirmative consent.

1. Sexual contact is any intentional sexual touching, however slight, with any object or body part, performed by a person upon another person. Sexual Contact includes (a) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another touch you or themselves with or on any of these body parts.
2. Sexual intercourse is any penetration, however slight, with any object or body part, performed by a person upon another person. Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.
3. Affirmative consent is an informed, freely and affirmatively communicated willingness to participate in sexual activity that is expressed by clear and unambiguous words or actions. This definition of consent does not vary based upon a person’s sex, sexual orientation, gender identity, or gender expression.

A determination about the existence of consent is a critical element in the investigation of sexual assault. University policy requires affirmative consent between individuals engaging in sexual activity. Affirmative consent is expressed by clear and unambiguous words or actions. Clear and unambiguous words and actions are those that are freely and

actively given by informed individuals that a reasonable person would believe communicate a willingness to participate in a mutually agreed upon sexual activity. The following factors will be considered when determining consent:

- It is the responsibility of each person who wishes to engage in the sexual activity to obtain consent.
- A lack of protest, the absence of resistance, and silence do not indicate consent.
- The existence of a present or past dating or romantic relationship does not imply consent to future sexual activity.
- Consent must be present throughout the sexual activity and may be given, and withdrawn at any time.
- When consent is withdrawn all sexual activity must stop. Likewise, where there is confusion about the state of consent sexual activity must stop until both parties consent again.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent is not obtained when:
  - There is physical force, threats, intimidation or coercion.
  - There is incapacitation due to the influence of drugs or alcohol.
  - There is the inability to communicate because of a physical or mental condition.
  - An individual is asleep, unconscious or involuntarily physically restrained.
  - An individual is unable to understand the nature or extent of the sexual situation because of mental or physical incapacitation or impairment.
  - One party is not of legal age to give consent pursuant to Minnesota state law.

## SEXUAL OR GENDER-BASED HARASSMENT

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2) below are present.

Gender-based harassment includes harassment based upon gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) and/or (2) below are present.

- (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities, or is used as the basis for University decisions affecting the individual (often referred to as "*quid pro quo*" harassment); or

(2) Such conduct creates a hostile environment. A “hostile environment” exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University’s education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subject and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant’s mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct, or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

#### STALKING

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

# MEETING OF THE STUDENT SENATE

THURSDAY, MAY 5, 2016

11:30 A.M. - 1:30 P.M.

Coffman Theater--Twin Cities Campus  
105 Kiehle Hall--Crookston Campus  
173 Kirby Plaza--Duluth Campus  
7 Humanities and Fine Arts Building--Morris Campus  
Room 388--Rochester Campus

This is a meeting of the Student Senate. There are 57 voting members of the Student Senate. A simple majority must be present for a quorum. Most actions require only a simple majority for approval. Actions requiring special majorities for approval are noted under each of those items.

## 1. ADMINISTRATIVE RESPONSES TO SENATE ACTIONS Information

Resolution to Prohibit Trade-off Arrangements between the University of Minnesota and Non-University Entities

Approved by the Student Senate: April 7, 2016  
Administrative Response: no action required

Resolution supporting a Reusable Bag Initiative with the University of Minnesota Bookstores

Approved by the Student Senate: April 7, 2016  
Administrative Response: no action required

## 2. STUDENT SENATE/ STUDENT SENATE CONSULTATIVE COMMITTEE CHAIR REPORT (5 minutes)

## 3. ASSEMBLY/ASSOCIATION UPDATES (5 minutes)

## 4. MINUTES FOR APRIL 7, 2016 Action (2 minutes)

### MOTION:

To approve the Student Senate minutes, which are available on the Web at the following URL:

<http://www1.umn.edu/usenate/ssenate/minutes/160407stu.pdf>

JENNIFER ALEXANDER, CLERK  
UNIVERSITY SENATE

## 5. STUDENT CONDUCT CODE Action

(20 minutes)

**MOTION:**

To approve amendments to the Student Conduct Code. The proposed policy will be available on Monday, May 2, 2016 at: <http://usenate.umn.edu/ssenate/docs/160505code.pdf>

**6. RESOLUTION CONCERNING STUDENT MENTAL HEALTH PLANNING  
Action  
(15 minutes)**

**MOTION:**

To approve the following resolution.

**Resolution Concerning Student Mental Health Planning**

The Student Senate recommends that the President establish a comprehensive system-wide planning strategy for establishing and then achieving student mental health goals at present and in the future.

The Student Senate further recommends that the Provost and the Chancellor of each University of Minnesota system campus formulate a campus-specific action plan for meeting student mental health goals at present and in the future.

Furthermore, the Student Senate requests that the President and the Office of the Budget provide additional sources of funding for mental health services and evaluate alternative funding models for sustained support.

The Student Senate also requests that the Board of Regents commission the development of an annual report on student mental health risks, trends, and service outcomes.

**COMMENTS:**

Mental health concerns are a pervasive, national problem. Approximately one-third of college students have been diagnosed with a mental health condition (Eisenberg, Hunt, & Speer, 2013), and the prevalence of mental illnesses has been steadily increasing (Watkins, Hung, & Eisenberg, 2011; Storrie, Ahern, & Tuckett, 2010).

These trends pose a serious concern for the University because mental health problems interfere with academic performance. Over half of Minnesota students report that mental health concerns have negatively affected their academics (Boynton Health Service, 2013). Mental health concerns are a leading cause for delayed degree completion and dropping out (Eisenberg, Golberstein, & Hunt, 2009; Hunt, Eisenberg, & Kilbourne, 2010). As students are a fundamental part of the University's research, teaching, and service activities, poor student mental health prevents the University from fulfilling its educational and academic mission.

Mental illnesses can be effectively treated with therapy and medication, but access to University mental health services is limited by overloaded service points. In Fall 2015, at Boynton Health Service on the Twin Cities campus, the waitlist reached 72 students. In Spring 2016, 57 students were on the waitlist for more than 11 days before an appointment was scheduled and 28 students dropped after being on the waitlist for one month. (Boynton Health Service, 2016) On all University of Minnesota campuses except Crookston, student demand often cannot be met in a

timely fashion due to insufficient staffing. (Report of the Student Representatives to Regents, 2016)

On the Twin Cities campus, the Office of the Provost has provided temporary funding to immediately hire new counselors, and with the Office of Student Affairs has acted to plan and implement immediate service improvements. At the same time, the Provost's Committee on Student Mental Health, in close collaboration with Boynton Health Services and Student Counseling Services has released a White Paper making recommendations to meet the most pressing needs and to begin a process of in medium-term planning. While these measures are encouraging and extraordinarily valuable to students in need, by themselves they are not enough to address the growing needs of students. "To maintain the status quo would be a willful disservice to student health" (Report of the Student Representatives to the Board of Regents, 2016).

Top-level strategy has been lacking on this issue, and that has severely hampered progress. The problems at stake are complex, large scale, and will require solutions that are coordinated, carefully planned, and draw on the best available expertise. Lower level administration is not empowered in the ways that are necessary to adequately address these problems. Advisory bodies are unclear on their roles in making decisions on mental health. The result is that there is no office, body, or individual that has taken responsibility for setting overall strategy on mental health that also has the power to exercise this responsibility, whether on the system or campus level.

If we are to expect sustainable, long-term changes of the magnitude that are necessary, we need to start making large scale, long range plans, and there also have to be structures to hold ourselves accountable for outcomes. The requests and recommendations, based in the recommendations of the 2015-16 Report of the Student Representatives to the Board of Regents, ask the university to establish the institutions that will plan and institute a real strategy to serve student needs in mental health treatment and promotion.

**JONATHAN BOROWSKY**

**7. STUDENT SENATE CONSULTATIVE COMMITTEE  
Resolution to Implement System-Wide Restroom and Locker Room Access  
Action  
(5 minutes)**

**Resolution to Implement System-Wide Restroom and Locker Room Access**

The Student Senate recommends that the University of Minnesota implement system-wide restroom and locker room access policies and practices that support transgender and gender non-conforming persons; individuals who need the assistance of a caregiver who may be of a similar or different gender; and parents or guardians who need to help a child of a different gender.

**ROBERT STEWART, CHAIR  
STUDENT SENATE CONSULTATIVE COMMITTEE**

**8. STUDENT SENATE STIPENDS  
Action  
(5 minutes)**

**FOR INFORMATION:**

The Student Consultative Committee, less its stipend-receiving members, shall review the performance of duties of all stipend-receiving members and vote on the approval, reduction, or withholding of the portion of their stipends allocated for spring semester. A two-thirds affirmative vote by the Student Consultative Committee is required for modification of stipend disbursement.

The Student Consultative Committee recommendation shall be presented to the Student Senate for approval at or before the Student Senate's last regular meeting of spring semester. Stipend receiving persons have a right to answer questions about or speak regarding the Student Consultative Committee's findings at this meeting if they so chose. A two-thirds vote of the Student Senate is required to modify the Student Consultative Committee recommendation.

**MOTION:**

The Student Senate Stipend Review Committee has reviewed the performance of the following stipend-receiving students: Robert Stewart, SSSC/Student Senate Chair, and Colin Wray, SSSC/Student Senate Vice Chair. The recommendation from the committee is that:

- Robert Stewart receive \$500.00 of the \$500.00 spring semester portion of his stipend
- Colin Wray receive \$125.00 of the \$125.00 spring semester portion of his stipend

**COMMENT:**

The Student Senate Stipend Review Committee reviewed the performance of both individuals and determined that the full stipend amounts should be awarded to both officers.

**PATRICK DUSCHANE, MEMBER  
STUDENT SENATE STIPEND REVIEW COMMITTEE**

---

**MOTION A  
Consent Agenda  
Action  
(5 minutes)**

Agenda Items 9. and 10. are offered as a "Consent Agenda" to be taken up as a single item with one vote. Any item will be taken up separately at the request of a senator. As both items concern amendments to the Student Senate Bylaws, the motion requires either a majority of all voting members of the Student Senate (29) at one regular or special meeting, or a majority of all voting members of the Student Senate present and voting at each of two meetings. This is the first meeting at which this motion is being presented.

**9. STUDENT SENATE BYLAW AMENDMENTS  
Student Senate Consultative Committee Membership**

**MOTION:**

To amend Article VI, Section D of the Student Senate Bylaws, as follows (language to be added is underlined; language to be deleted is ~~struck out~~).

**ARTICLE VI. COMMITTEES OF THE STUDENT SENATE (Changes to this article are subject to vote only by the Student Senate)**

...

#### D. STUDENT CONSULTATIVE COMMITTEE

The Student Consultative Committee shall represent the students at large and ~~not the individual campuses, institutes, colleges, schools, or departments of the University~~ the seven recognized University of Minnesota student governance organizations, including the Council of Graduate Students (COGS), Crookston Student Association (CSA), Minnesota Student Association (MSA), Morris Campus Student Association (MCSA), Professional Student Government (PSG), Rochester Student Association (RSA), and the University of Minnesota Duluth Student Association (UMDSA).

The Student Consultative Committee shall serve as the consulting body to the president and as the executive committee of the Student Senate.

#### Membership

The Student Consultative Committee shall be composed of:

- ~~\_\_\_\_\_ one student from the Crookston campus~~
- ~~\_\_\_\_\_ one student from the Duluth campus~~
- ~~\_\_\_\_\_ one student from the Morris campus~~
- ~~\_\_\_\_\_ one student from the Rochester campus~~
- ~~\_\_\_\_\_ four students from the Twin Cities campus, as follows:~~
  - ~~\_\_\_\_\_ two graduate/professional students~~
  - ~~\_\_\_\_\_ two undergraduate students~~
- ~~\_\_\_\_\_ the chair and vice chair of the Student Senate~~

- ~~- one representative of COGS~~
- ~~- one representative of CSA~~
- ~~- one representative of MSA~~
- ~~- one representative of MCSA~~
- ~~- one representative of PSG~~
- ~~- one representative of RSA~~
- ~~- one representative of UMDSA~~
- ~~- the chair, vice chair, and at-large representative of the Student Senate.~~

~~With the exception of graduate/professional student representatives, student members shall be elected and/or appointed in accordance with procedures determined by the respective campuses' student constituencies, subject to the following provision: at the time of their election, Twin Cities undergraduate students shall be members of the University Senate. A student member will relinquish their seat in the University Senate upon election to the Student Senate Consultative Committee.~~

~~Graduate and professional student representatives shall be elected by the graduate and professional student senators at a special spring semester session of the Student Senate attended only by student senators elected for the following year.~~

Student governance representative members shall be the sitting vice presidents (or the otherwise second-highest ranking executive officers) of the respective student governance organizations, or elected or appointed in accordance with procedures determined by the respective campuses' student governance organizations.

Student vacancies shall be filled in accordance with procedures determined by the respective campuses for the balance of any unexpired term until the next regular election.

The chair of the Student Senate shall also serve as the chair of the Student Consultative Committee. The vice chair of the Student Senate shall also serve as the vice chair of the Student Consultative Committee. The at-large representative of the Student Senate shall also serve as the at-large representative of the Student Consultative Committee. Chair, ~~and~~ vice chair, and at-large representative elections should be subject to the following provisions:

- The chair, vice chair, and at-large representative shall not also hold executive, elected, or appointed positions in their respective student governance organizations.
- If either the chair, ~~and~~ vice chair, or at-large representative has already been elected to the Student Consultative Committee as a regular member, ~~he or she~~ they must concede ~~his or her prior~~ that position to another student, to be chosen as soon as possible by the appropriate student ~~constituency~~ governance organization.
- If either the chair-elect, vice chair-elect, or at-large representative-elect has already been elected to or will hold an executive or elected position in their respective student governance organization during the upcoming year, they must concede that position prior to taking office in the Student Senate.
- ~~The chair and vice chair shall not be from the same campus. In the event that no one is nominated for the vice chair position from a separate campus, the position will be open to all qualified members of the Student Senate.~~
- The chair, vice chair, and at-large representative of the Student Senate shall be elected by the Student Senate in accordance with the Senate Constitution, Article 5, Section 3 (a).
- ~~The vice chair of the Student Senate shall be elected by the Student Consultative Committee in accordance with the Senate Constitution, Article 5, Section 3 (a).~~
- The chair, ~~and~~ vice chair, and at-large representative are eligible for re-election to these positions.

The seven members who serve on the Senate Consultative Committee shall be composed of:

- ~~\_\_\_\_\_ one student from the Crookston campus~~
- ~~\_\_\_\_\_ one student from the Duluth campus~~
- ~~\_\_\_\_\_ one student from the Morris campus~~
- ~~\_\_\_\_\_ one student from the Rochester campus~~
- ~~\_\_\_\_\_ two students from the Twin Cities campus, as follows:~~
  - ~~\_\_\_\_\_ one graduate/professional student~~
  - ~~\_\_\_\_\_ one undergraduate student~~
  - the chair of the Student Senate
  - six of the seven student governance representatives.

The Student Consultative Committee will vote to determine which ~~Twin Cities campus students~~ student governance representatives will serve on the Senate Consultative Committee.

**Duties and Responsibilities**

...

Steering

- a. To superintend and direct all committees reporting to the Student Senate, which includes the authority to require that any committee reporting to the Student Senate report on any matter within its jurisdiction within 30 days.

- b. To receive recommendations of any student who wishes to present a proposal to the Student Senate and to refer or act upon such recommendations as it deems appropriate.
- c. To serve as a coordinating body between the president and the Student Senate or a committee reporting to the Senate.
- d. To serve as a coordinating body between the recognized student governance organizations and the Student Senate or a committee reporting to the Student Senate.
- e d. To prepare and approve the agenda for each meeting of the Student Senate in accordance with the Constitution, Bylaws, and Rules of the University Senate.

...

**COMMENT:**

The proposed amendments would shift the operation of the SSCC from an independent committee largely disconnected from the work of system-wide student government toward an integrated committee that could: (1) facilitate the work of student government organizations at the system-level, (2) provide a space to build relationships and cooperation between the seven student government organizations, and (3) create a platform for a unified student voice in matters important to University of Minnesota system students.

The proposal has been endorsed by the seven recognized University of Minnesota student governance organizations,

**ROBERT STEWART, CHAIR**  
**STUDENT SENATE CONSULTATIVE COMMITTEE**

**10. STUDENT SENATE BYLAW AMENDMENTS**  
**Election and Duties**

**MOTION:**

To amend Article V, Section 3 of the Student Senate Bylaws, as follows (language to be added is underlined; language to be deleted is ~~struck out~~).

**ARTICLE V. STUDENT SENATE MEMBERSHIP, ELECTIONS, AND OFFICERS**  
**(Changes to this article are subject to vote only by the Student Senate)**

...

**3. Election and Duties of Officers**

a. Election

The chair, vice chair, and at-large representative shall be elected at a special spring semester session of the Student Senate attended only by student senators elected for the following year. ~~The vice chair shall be elected by the Student Consultative Committee at a spring semester meeting of the Student Consultative Committee.~~ The outgoing chair shall preside over the election. Non-senators and outgoing student senators may not be candidates for these positions. The chair, ~~and vice chair, and at-large representative shall not be from the same campus~~ be

constituents of different student governance organizations. In the event that no one is nominated for the vice chair or at-large representative positions ~~from a separate campus~~ from different student governance organizations, the position will be open to all qualified members of the Student Senate. However, no more than two of these three positions can be filled by candidates from the same campus. Terms of office shall be July 1 to June 30, and the person holding office is eligible for re-election.

b. Duties of the Chair

The duties of the chair are (1) to be the official spokesperson of the Student Senate; (2) to set the Student Senate agenda, to be approved by the Student Consultative Committee; (3) to serve as the chair of the Student Senate; (4) to serve as the chair of the Student Consultative Committee; (5) to serve as a member of the Senate Consultative Committee; (6) to serve as or appoint the University's representative on the Student Advisory Council; and (7) to serve on central University advisory committees as needed, or to delegate student members for advisory committees.

c. Duties of the Vice Chair

The duties of the vice chair are (1) to serve as the vice chair of the Student Senate; (2) to serve as the liaison to the Civil Service Senate; (3) to serve as the liaison to the P&A Senate; (4) to assume the duties of the chair in the event of an absence or incapacity of the chair; (5) to assume responsibilities delegated by the chair; (6) to ensure that the Student Senate Handbook is updated and distributed; and (7) to serve as the vice chair of the Student Senate Consultative Committee.

d. Duties of the At-Large Representative

The duties of the at-large representative are (1) to represent members of the Student Senate and their interests on the Student Senate Consultative Committee; (2) to serve as the Student Senate Consultative Committee liaison to the Student Senate; and (3) to assume responsibilities delegated by the chair.

...

**COMMENT:**

These amendments implement the election processes for the changes proposed to the SSCC.

**ROBERT STEWART, CHAIR  
STUDENT SENATE CONSULTATIVE COMMITTEE**

---

**END OF MOTION A**

**11. ELECTION OF 2016-17 STUDENT SENATE/  
STUDENT SENATE CONSULTATIVE COMMITTEE CHAIR  
Election by 2016-17 Senators Only  
(20 minutes)**

**12. ELECTION OF 2016-17 STUDENT SENATE/  
STUDENT SENATE CONSULTATIVE COMMITTEE VICE CHAIR  
Election by 2016-17 Senators Only**

**(10 minutes)**

**13. ELECTION OF 2016-17 STUDENT SENATE/  
STUDENT SENATE CONSULTATIVE COMMITTEE AT-LARGE REPRESENTATIVE  
Election by 2016-17 Senators Only  
(10 minutes)**

**14. ELECTION OF TWO 2016-17 COMMITTEE ON COMMITTEES MEMBERS  
Election by 2016-17 Senators Only  
[One system campus senator and one Twin Cities senator]  
(5 minutes)**

**15. ELECTION OF TWO 2016-17 TWIN CITIES MEMBERS OF THE  
STUDENT SENATE NOMINATING COMMITTEE  
Election by 2016-17 Twin Cities Senators Only  
[One Twin Cities undergraduate senator and  
one Twin Cities graduate/professional senator]  
(5 minutes)**

**16. OLD BUSINESS**

**17. NEW BUSINESS**

**18. ADJOURNMENT**