



# Board of Regents

October 2017

October 13, 2017

15 min following adjournment of GOV - 12:00 p.m.

Boardroom, McNamara Alumni Center

## BOR - OCT 2017

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**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Finance & Operations Committee  
September 7, 2017**

A meeting of the Finance & Operations Committee of the Board of Regents was held on Thursday, September 7, 2017 at 7:45 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: Thomas Anderson, presiding; Richard Beeson, Linda Cohen, Michael Hsu, Dean Johnson, Peggy Lucas, David McMillan, Abdul Omari, Darrin Rosha, and Steve Sviggum.

Staff present: President Eric Kaler; Chancellors Michelle Behr, Lendley Black, and Mary Holz-Clause; Interim Chancellor Lori Carrell; Senior Vice President Brian Burnett; Vice Presidents Katrice Albert, Kathryn Brown, Bernard Gulachek, and Matt Kramer; Interim Vice Presidents Michael Berthelsen and Allen Levine; General Counsel Douglas Peterson; Executive Director Brian Steeves; and Associate Vice Presidents Stuart Mason, Julie Tonneson, and Michael Volna.

Student Representatives present: Marta Dean and Alexandra Ulland.

**2017-18 COMMITTEE WORK PLAN**

Regent Anderson and Senior Vice President Burnett reviewed the 2017-18 work plan for the Finance & Operations Committee, as detailed in the docket. Regents discussed the proposed topics and by consensus agreed to the work plan.

**PRESIDENT'S RECOMMENDED SIX-YEAR CAPITAL PLAN  
& 2018 STATE CAPITAL REQUEST**

Regent Anderson invited Senior Vice President Burnett and Interim Vice President Berthelsen to present for review the president's recommended six-year capital plan (Capital Plan) and 2018 state capital request (Capital Request), as detailed in the docket.

Burnett explained that the Capital Plan includes major capital improvements planned for fiscal years 2018-2023. Year 1 of the Plan (2018) outlines the projects that the University will be submitting to the State of Minnesota for consideration during the 2018 legislative session. He described how the Capital Plan seeks to address both mission and facility priorities.

Berthelsen reported on the University's building profile, noting that a large percentage of the University's buildings are older, with many having been built during a period of lower quality construction from 1951 to 1990. Roughly 8.6 million gross square feet was built during the period of lower quality construction. He described how insufficient stewardship has increased the backlog of necessary lifecycle investment in the University's facilities. Berthelsen outlined the building-by-building strategy used to redirect funding to sustain or renovate identified facilities, while also decommissioning other facilities.

Burnett described Capital Plan priorities, types of projects, and source of funds. He summarized the Capital Request, highlighting the focus on Higher Education Asset Preservation and Replacement (HEAPR) projects, as well as two other projects previously included in the 2016 and 2017 state capital requests.

Regent Lucas expressed her appreciation that the Capital Plan included funding for the renovation of Pillsbury Hall. Burnett noted that the total project cost for Pillsbury will be split between the state and the University, with the University paying \$12 million. He described how the building will house the Department of English after renovation.

Regent Johnson asked about prioritization of projects within the \$200 million HEAPR request. Berthelsen responded that each campus is allocated a percentage of funding based on space needs and condition. Each campus considers its program priorities and directs funding to match those priorities while also addressing health and safety issues. He described the process as iterative, with engagement from many stakeholders.

Regent McMillan asked for more detail on the types of projects that are eligible for HEAPR funding. Berthelsen stated that projects that replace facilities with like facilities are eligible for funding. He noted that those projects are often infrastructure improvements, offering the replacement of utilities or heating and cooling systems as examples. He indicated that projects that convert offices to laboratories, or add new equipment to upgrade programs, are not eligible for HEAPR funding.

In response to questions from Regent Omari, Berthelsen acknowledged that the building housing the Boynton Health Service is on the edge of qualifying for replacement. He offered his view that the building's lifecycle will not extend past 50 years, but will continue to operate for at least 10 to 15 years. Given that outlook, Berthelsen explained that projects aimed at stabilizing the building will continue, including those included in the Capital Plan. He added that renovation work is underway in Shepard Hall and the projects noted in the Capital Plan are in addition to that work.

Omari asked why the Saint Paul Gym and Recreation Center is listed in multiple areas of the Capital Plan. Berthelsen responded that while he is not sure, sometimes projects are labeled to indicate where in the facility the work is planned. He clarified that although projects may be listed separately, they could be merged for purposes of bidding and constructing the project.

Regent Beeson noted that repair and replacement projects are now shown in the Capital Plan and offered his opinion that it is important to note those projects. He expressed that his concern is always with those projects that are not included in the plan, and added his appreciation for project placeholders in the out years. Berthelsen commented that repair and replacement projects are included this year to demonstrate to the state the investment the University is already making in addition to the HEAPR funding included in the Capital Request.

Regent Johnson asked about a plan for Les Bolstad Golf Course. Berthelsen stated that no decisions have been made yet despite ongoing conversations. In response to a second question from Johnson, Burnett commented that the University's strategy for this Capital Request is to focus on a few specific priorities. He offered that the request was created in close collaboration with Government Relations and that Vice President Kramer will talk more about the legislative strategy in October.

Regent Sviggum recognized that there is a clear need for the amount of HEAPR funding included in the Capital Request. He asked what the University will do to ensure its success. Burnett responded that the Capital Request is aimed to show the Legislature that the University is seeking to care for the buildings it has and not asking for new buildings. He offered his belief that Minnesota State will also submit a large request.

Sviggum shared his concern that the Capital Request in its current form will be unsuccessful. He provided that on average, the University receives approximately \$68 million when there is a bonding bill, or roughly 10 to 15 percent of the total allocation included in the bill. He predicted that the 2018 bonding bill will be approximately \$800 million in total funding, making the University's potential allocation \$115 to \$120 million. He recommended

reevaluating the Capital Request amount, and indicated that simply trying to out-do Minnesota State is not a good strategy.

Regent Hsu commented that it is difficult to know where to allocate capital funding without a system-wide strategic plan. He wondered where unspent HEAPR funding is allocated and about the status of the Mayo Building. Berthelsen described the process for reallocating HEAPR funding, which is done on a monthly basis and invested in other projects. He explained that given the projected lifecycle of Mayo, only projects aimed at ensuring the health and safety of occupants within the building are being funded.

In response to a question from Regent Lucas, Berthelsen acknowledged no plan to renovate Eddy Hall since a programmatic use had not yet been identified.

Regent Rosha noted his support for a Capital Request that includes a larger range of funding. He recalled that in the past, the Board submitted a more modest and specific request and still had a straight percentage taken off. He observed that if others in the state are taking an aggressive approach with their requests, it puts the University at a disadvantage to take a more defensive approach.

Rosha asked how the University balances program priorities against what the legislature might find of interest during session. President Kaler offered the funding of the new Bell Museum as an example of a project that is of interest to members of the House of Representatives, but was not included in the University's request that session. Kaler described how he worked with Board leadership to adjust the University's request and secure funding. He stated that the University seeks to remain nimble and responsive to specific interest from legislators.

### **EXPANSION OF COMMERCIAL PAPER PROGRAM**

Regent Anderson invited Senior Vice President Burnett, Associate Vice President Volna, Associate Vice President Mason, and Carole Fleck, Director of Debt Management, to present for review a proposed expansion of the University's commercial paper (CP) program, as detailed in the docket.

Burnett defined the goals of the CP program. Volna described the program framework and potential benefits to the University. Fleck outlined the current debt process for issuing commercial paper. She described how that process will change under the CP program, identifying the changes for how and when the Board will grant approval.

Fleck noted that the proposed program gives the administration the authority to issue up to \$400 million in CP debt. She explained that the University has issued \$239 million in CP, so the available balance that could be used for additional project funding under the program will be \$161 million. She added that the University has \$200 million in approved projects that require debt financing. She identified how the CP program will affect the mix of debt and average cost of capital.

Mason explained that the University currently uses funds from the Temporary Investment Pool (TIP) to finance construction until debt is issued. He described how the average cost of tax-exempt commercial paper is below the average TIP yield. He noted that the CP program will allow funds to remain in TIP and that the difference in TIP yield versus the cost of commercial paper will provide increased revenue of approximately \$1 million annually.

Fleck described the advantages of the proposed program, its potential risks, and how those risks could be mitigated.

Regent Hsu expressed his support for reducing the cost of capital. He asked for clarification on where the savings will accrue and how interest is charged on a project. Volna responded that the departments that use the project are charged payments, including interest. He noted that departments are not charged interest during construction, since it has been the practice to bear those costs centrally. He offered that Central Reserves will receive the net benefits. Burnett added that in addition to the potential TIP gains, the CP program will gain the opportunity cost of what the TIP funds could be used for, including the additional potential investment yield.

In response to a question from Hsu, Burnett explained that the \$400 million limit was chosen in light of current potential debt capacity and as a comfortable starting point to show performance of the CP program before increasing its size.

Regent Omari asked how the rating agencies will view the \$400 million and whether they will add that to the University's total debt even if it is not fully issued. Volna responded that rating agencies will view the University's total debt as if the full \$400 million was issued. He added that the rating agencies indicated they are comfortable with the additional debt load.

Regent Beeson expressed his support for the program. Anderson commented that the program is straightforward and make good sense for the University.

Regent Sviggum asked if the CP program will increase the University's exposure to potential risk if interest rates increase. Fleck responded that the University will always have the option to issue fixed debt to replace any CP debt. She noted that the University will have to wait for the CP to mature and seek Board approval to convert it into fixed rate debt. Mason emphasized that while it will take two to three months to convert the debt, interest rates are not spiking in under 30 days and there will be an opportunity to make the conversion. Burnett added that the University's current credit rating is listed as stable.

### **UPDATE TO ASSET ALLOCATION GUIDELINES**

Regent Anderson invited Senior Vice President Burnett, Associate Vice President Mason, and Andrew Parks, Senior Director, Office of Investments and Banking (OIB), to present for review proposed recommendations to update the asset allocation guidelines, as detailed in the docket.

Burnett described the goal of the guidelines and challenges implementing them. Mason noted the annual asset management report in the Information Items and summarized the performance of the Consolidated Endowment Fund (CEF), Long-Term Reserves (GIP), Short-Term Reserves (TIP), RUMINCO, and other assets related to indebtedness.

Mason compared the CEF with the assets held by the University of Minnesota Foundation (UMF). He explained that when the two are combined, the University has a total endowment of roughly \$3.5 billion, giving the University the fifth largest endowment in the Big Ten.

Mason outlined the annual growth target for CEF. Since 2002, \$200 million has been added to CEF, meeting the annual growth target. He described the proposed guidelines and the process used by OIB to design them, including significant consultation with the Investment Advisory Committee (IAC).

Parks reviewed the programmatic risk assessment as the first step in forming the guidelines. He identified long-term returns and liquidity risk as high areas of concern. He explained that while performance versus peers is worth reporting, it does not drive the strategy used to shape the proposed guidelines. Parks described the potential levers to that could be used to weather a low-return environment.

Parks described how the stability component of the guidelines is defined and how illiquidity constraints are determined. He defined the two other guideline categories, detailing the types of investments included within the diversifiers and growth categories. He also explained the geographic mix of investments sought within the guidelines.

Mason compared the current asset allocation guidelines with the proposed guidelines, noting the major differences. He outlined the improved risk versus return profile that the guidelines will create.

In response to a question from Regent Hsu, Mason explained that Board policy requires the Board to approve any update to the asset allocation guidelines. He stated that the quarterly and annual asset management reports provide information that highlight actual investment distribution compared to the guidelines. He offered that OIB tracks that information daily, checks asset allocation ranges weekly, and rebalances as needed. Mason noted that some changes in ranges are outside of immediate adjustment given the time horizon on some investments. He emphasized that OIB reports to the Board when the ranges fall outside of targets. Parks explained that OIB will work with IAC on a plan to phase in the new guidelines and make the necessary change in investments over the next three to five years. Mason clarified that OIB is able to make those adjustments without Board approval.

Regent McMillan expressed his support for the guidelines. He asked how the portfolio addresses issues of social responsibility. Mason responded that an evaluation of social responsibility in investments permeates the work of OIB in evaluating and selecting investments and investment managers. He noted that top investment managers have made social responsibility a part of how they set up investment funds and that commitment is made apparent during OIB's due diligence.

Regent Beeson referenced his role as chair of the IAC and noted that IAC members support the guidelines. He offered that the IAC provides important oversight of OIB. He described the healthy tension between OIB and IAC in reviewing investments being made.

Regent Omari expressed his appreciation that OIB provided a place to examine peer comparisons without allowing those comparisons to drive strategic direction. He encouraged the administration to think about adopting that mindset across the institution.

In response to a question from Anderson, Mason noted that the ideal target range for stability is eight to nine percent. As the overall fund increases in size, so will each category including stability to maintain the ideal distribution between the categories. He explained that the ranges are wide to allow for those adjustments and noted that more could be added to the stability area if financial markets warranted it.

Burnett commented that earnings in CEF are largely directed and constrained to a particular use, limiting how those funds can be adjusted or used. Mason agreed and added that the first source of liquidity for the University is through TIP. He clarified that the stability category in the guidelines is designed to ensure that items funded through CEF, like endowed chairs or research fellowships, can have uninterrupted funding.

Mason noted that of CEF's \$1.3 billion, roughly 45 percent comes from rents and royalties derived from the University's land grants. Mason stated that the land grant legacy is the establishment of CEF and the continued royalties and rents paid to the fund. He explained that the rest of the funds that make up CEF were gifts to the University before the establishment of UMF. He offered that the asset allocations for CEF and the funds managed by UMF are contrasting given the difference in cash flow in to the two accounts. He suggested that CEF will likely do better in a rising financial market and UMF will do better in a down financial market.

McMillan stressed the important legacy of land grant gifts and the need to honor those gifts.

In response to a question from Student Representative Ulland, Mason noted that OIB has considered ways to engage students about the University's investment operations and the role of CEF but it has been difficult to institute. He explained that members of OIB have advised student-run investment funds in the Carlson School of Management and periodically give lectures. He added that OIB has also provided internships for interested students.

Student Representative Dean asked if active funds from the University's land grant are still deposited into CEF. Mason responded yes but noted that the cash flow of those funds is modest based on timber and mining output, with roughly \$13-14 million deposited last year. Dean asked if restrictions on mining will impact University income. Mason noted that mining royalties are difficult to forecast, and that iron ore royalties have had peaks and valleys but mining and timber royalties will likely continue to be relatively stable. He added that establishment of new precious metal mines will increase revenue to the University.

### **CONSENT REPORT**

Senior Vice President Burnett presented the Consent Report, as detailed in the docket:

General Contingency:

- There are no items requiring approval this period.

Purchase of Goods and Services \$1,000,000 and Over:

- To Birch Technical Productions, LLC; Marsden Building Maintenance LLC; and Multi Venue Productions, Inc. for an estimated \$7,959,000 for services needed in support of athletic events at TCF Bank stadium and other athletic venues for Intercollegiate Athletics for the three-year period of September 1, 2017, through June 30, 2020, with optional contract extensions through June 30, 2022, for an additional \$3,258,000. Total contract value if all options are exercised would be \$11,217,000. Funds for these services are budgeted in the Intercollegiate Athletics Departments Facilities unit. Some of the expenses are billed back to renters of facilities as appropriate. Suppliers were selected through a competitive process.
- To Johnson Brothers Liquor Company, JJ Taylor Distributing Company of Minnesota, Inc. and Hohensteins for an estimated \$1,500,000 for purchases of beer for Intercollegiate Athletic venues for the period of October 1, 2017, through September 30, 2022. Beer is budgeted by Intercollegiate Athletics on the Twin Cities campus for resale at TCF Bank Stadium, Williams Arena, and the 3M Arena at Mariucci. Suppliers were selected through a competitive process.
- To TCF Financial Corporation and TCF National Bank for \$8,000,000 for new TCF Bank Stadium title sponsorship rights and \$4,000,000 if an option for a ten-year extension is exercised.

Real Estate Transactions:

- Purchase of 63.14 Acres, Clearwater County (Itasca Biological Station and Laboratories); purchase price of \$104,250; to provide land for land-based research by the College of Biological Sciences' Itasca Biological Station and Laboratories; funded by College of Biological Sciences and centrally-held balances (each one-half); seller is Jeff R. Huschle.

- Purchase of 614 Huron Boulevard SE, Minneapolis (Twin Cities Campus); purchase price of \$3,593,695; to provide potential site for relocation of uses on other property the University has targeted for acquisition and land for roadway expansion in the Huron Boulevard SE and Fulton Street SE area; seller is Linda LaMere, as Trustee of the Key Trust.

Regent Omari commented on the purchase of land on Huron Boulevard, offering that he has heard positive feedback from an alumnus on the entrance signage located on previous land purchased by the University and visible when exiting Interstate 94. He requested additional information regarding the title sponsorship rights amendment for TCF Bank Stadium. Burnett outlined the proposed amendment between the University, TCF Financial Corporation, and TCF National Bank. He noted that, from a financial standpoint, the proposed agreement will be among the top three in intercollegiate athletics. He noted that TCF's involvement was key to building the stadium and offered that TCF is seeking to continue that support.

Regent Beeson stated his support for the consent report, noting his recollection that the original agreement included protections for the University if TCF is sold to another company. He asked if those provisions remain. Burnett responded that the amendment does not change that part of the original agreement.

Regent Rosha referred to the addition of field logos and asked whether that will continue through the full term of the potential extension. Burnett responded that the agreement creates an expectation that TCF will have logos on the field and if that is not able to happen, the amount paid by TCF will be reduced. He reported that the field logo will remain through the full term of the amendment and the optional extension.

Rosha expressed his appreciation for TCF's ongoing support, but voiced his discomfort with the amendment coming as review and action in one meeting. Noting that he understands why the administration negotiated the contract in this manner, Rosha suggested that by the end of the second extension in 2033, Athletes Village will be obsolete and future Boards will have limited ability to leverage the stadium naming rights for additional capital. He offered his full support for the initial extension, but not the second one.

Regent McMillan offered his understanding of why the second extension is included in the amendment now. He expressed his support for the amendment given the benchmark comparisons, but also noted his appreciation for Rosha's comments.

Regent Hsu asked why this is listed as a purchase of goods and services. Burnett responded that while it is not a purchase, contracts of this type previously have been approved via this mechanism. Hsu questioned the urgency of approving the amendment. Burnett explained that the administration has been working on the terms of the amendment for some time and stated that TCF is eager to have the new logos on the field in time for the next Gopher Football game taking place this Saturday.

In response to questions from Hsu, Burnett outlined the terms of the amendment, noting that the total value of the amendment is \$25 million and that the revenue will be used to pay off TCF Bank Stadium debt. He described how the refinancing of that debt will account for the lower debt payments defined in the amendment. Of the remaining funds, Burnett reported that \$8 million will be used for the Athletes Village project and \$4 million will be set aside for other capital projects within Gopher Athletics. Those additional projects will come to the Board for approval. He additionally clarified that only the ATMs in TCF Bank Stadium are included in the amendment extension.

Hsu asked how the purchase price of the land on Huron Boulevard compared to other recent purchases by the University. Associate Vice President Volna responded that the most recent purchase of land in that area by the University is not a comparable property. He stated that it

is the administration's practice to pay the average of two appraisals obtained by the University. He noted that the price being proposed is at that average and that the price is good. Hsu inquired about potential revenue from the apartment building currently on the site compared to having the site be an empty lot. Volna explained that the purchase agreement requires that the seller bare the full cost of demolition. He noted that the University plans to use the land to relocate tenants from other land it is seeking.

In response to questions from Hsu, Tom McGinnis, Senior Associate Athletic Director, responded that the University looks at previous years to determine how much alcohol to purchase for sale at TCF Bank Stadium. He explained that under state law, the holder of the alcohol license is required to purchase the alcohol that will be sold. Since the University is the holder of that license, it purchases the alcohol and Aramark, the University's service provider, reimburses the University. He added that with the exception of the first year, the University has made a profit on the sale of alcohol at TCF Bank Stadium.

Rosha requested that the title sponsorship rights amendment for TCF Bank Stadium be considered separately from the other items in the Consent Report. Anderson granted the request.

A motion was made and seconded, and the committee voted unanimously to recommend approval of all other items in the Consent Report.

A motion was made and seconded, and the committee voted 8-2 to recommend approval of the title sponsorship rights amendment for TCF Bank Stadium. Regents Hsu and Rosha voted no.

#### **INFORMATION ITEMS**

Senior Vice President Burnett referred the committee to the information items in the docket:

- Annual Asset Management Report
- Quarterly Purchasing Report
- Investment Advisory Committee Update
- Final Project Review: Health Sciences Education Center (Twin Cities Campus)

The meeting adjourned at 10:19 a.m.



**BRIAN R. STEEVES**  
**Executive Director and**  
**Corporate Secretary**

**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Audit & Compliance Committee  
September 7, 2017**

A meeting of the Audit & Compliance Committee of the Board of Regents was held on Thursday, September 7, 2017, at 10:30 a.m. in the West Committee Room, 600 McNamara Alumni Center.

Regents present: Linda Cohen, presiding; Michael Hsu, Peggy Lucas, David McMillan, and Abdul Omari.

Staff present: Chancellor Lendley Black; Senior Vice President Brian Burnett; Vice Presidents Kathryn Brown and Bernard Gulachek; Interim Vice President Allen Levine; Executive Director Brian Steeves; Associate Vice President Michael Volna; and Chief Auditor Gail Klatt.

Student Representatives present: Sean Chen and Mina Kian.

**2017-18 COMMITTEE WORK PLAN**

Regent Cohen and Chief Auditor Klatt reviewed the 2017-18 work plan for the Audit & Compliance Committee, as detailed in the docket. Regents discussed the proposed topics and by consensus agreed to the work plan.

**REVIEW OF THE CHARTERS THAT GUIDE INTERNAL AUDIT WORK**

Regent Cohen invited Chief Auditor Klatt to review the charters that guide internal audit work, as detailed in the docket.

Klatt provided an overview of changes to the Office of Internal Audit Charter, explaining that they are intended to maintain alignment with professional standards and guidance and do not change how the office conducts its work. She added that there are many technical changes due to the change in her title and the name of the committee.

Klatt introduced several discussion questions and reported that the Governance & Policy Committee is scheduled formally review Board of Regents Policy: *Audit Committee Charter* later in the year. She noted that this committee's discussion will inform the direction of the Governance & Policy Committee's formal review of the policy.

Regent McMillan suggested adding policy language to elevate the Chief Compliance Officer so that the committee has a formal relationship with that office similar to the Chief Auditor. He offered that those changes would further instill the importance of the "tone at the top" regarding compliance. Regents Cohen and Omari agreed, stressing the importance of formally emphasizing compliance in the policy.

In response to questions from McMillan, Klatt explained that the committee has authority under *Audit Committee Charter* to request reviews or specific audit procedures of the chief auditor or an independent firm.

**INSTITUTIONAL RISK PROFILE, PART I: PROCESS AND PLAN FOR UPDATING**

Regent Cohen invited Chief Auditor Klatt to present the process and plan for updating the institutional risk profile, as detailed in the docket.

Klatt provided an overview of the proposed plan and timeline to update the risk profile, which was developed in 2014. She suggested that at three future meetings, the committee review the draft profile, finalize the profile, and discuss mitigation plans and oversight responsibilities for those plans.

Regent Lucas expressed her satisfaction with the proposed plan and process, noting the importance of implementing risk mitigation plans and continued oversight.

Regent McMillan suggested the committee discuss the risk principles in depth before moving on to the conversation about specific risk areas. Cohen and Klatt concurred, and the committee agreed to add a discussion of the risk principles during the October meeting before continuing the conversation as planned in December.

The meeting adjourned at 11:33 a.m.



**BRIAN R. STEEVES**  
**Executive Director and**  
**Corporate Secretary**

**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Litigation Review Committee  
September 7, 2017**

A meeting of the Litigation Review Committee of the Board of Regents was held on Thursday, September 7, 2017 at 10:30 a.m. in the East Committee Room, 600 McNamara Alumni Center.

Regents present: Richard Beeson, presiding; Thomas Anderson, Dean Johnson, Darrin Roshia, and Steven Sviggum. Patricia Simmons participated by phone.

Staff present: President Eric Kaler, General Counsel Douglas Peterson, Executive Director Brian Steeves.

Others present: Brian Slovut and Jon Steadland.

**RESOLUTION TO CONDUCT NON-PUBLIC MEETING  
OF THE LITIGATION REVIEW COMMITTEE**

The meeting convened in public session at 10:32 a.m. A motion was made and seconded that the following resolution be adopted:

WHEREAS, based on advice of the General Counsel, the Board of Regents Litigation Review Committee has balanced the purposes served by the Open Meeting Law and by the attorney-client privilege, and determined that there is a need for absolute confidentiality to discuss litigation strategy in particular matters involving the University of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Minn. Stat. § 13D.01, Subd. 3 and 13D.05 Subd. 3(b), a non-public meeting of Litigation Review Committee be held on Thursday, September 7, 2017 at 10:30 a.m. in the East Committee Room, 600 McNamara Alumni Center, for the purpose of discussing attorney-client privileged matters including the following:

- I. *Regents of the University of Minnesota v. AT&T, et al.*
- II. *Regents of the University of Minnesota v. LSI Corporation and Avago Technologies U.S. Inc.*
- III. *Regents of the University of Minnesota v. Gilead Sciences, Inc.*
- IV. *Pro Life Action Ministries, Incorporated, Brian Gibson, and Bridget Busacker v. Regents of the University of Minnesota*

The committee voted unanimously to adopt the resolution and the public portion of the meeting ended at 10:33 a.m.

The meeting adjourned at 11:21 a.m.

A handwritten signature in black ink that reads "Brian R. Steeves". The signature is written in a cursive, flowing style.

**BRIAN R. STEEVES**  
**Executive Director and**  
**Corporate Secretary**

**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Board of Regents Meeting  
September 7, 2017**

A meeting of the Board of Regents was held on Thursday, September 7, 2017 at 11:30 a.m. in the East Committee Room, 600 McNamara Alumni Center.

Regents present: David McMillan, presiding; Thomas Anderson, Richard Beeson, Linda Cohen, Michael Hsu, Dean Johnson, Peggy Lucas, Abdul Omari, Kendall Powell, Darrin Rosha, and Steven Sviggum. Patricia Simmons participated by phone.

Staff present: President Eric Kaler, Senior Vice President Brian Burnett, Vice President Kathy Brown, General Counsel Douglas Peterson, and Executive Director Brian Steeves.

Others present: Shelley Carthen Watson, Don Lewis, Karen Schanfield, Brian Slovut, and Jon Steadland.

**RESOLUTION TO CONDUCT NON-PUBLIC MEETING OF  
THE BOARD OF REGENTS**

The meeting convened in public session at 11:38 a.m. A motion was made and seconded that the following resolution be adopted:

WHEREAS, based on advice of the General Counsel, the Board of Regents has balanced the purposes served by the Open Meeting Law and by the attorney-client privilege, and determined that there is a need for absolute confidentiality to discuss litigation strategy in particular matters involving the University of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Minn. Stat. § 13D.01, Subd. 3, 13D.03, and 13D.05 Subd. 3(b), a non-public meeting of Board of Regents be held on Thursday, September 7, 2017 at 11:30 a.m. in the East Committee Room, 600 McNamara Alumni Center, for the purpose of discussing labor negotiations strategy and attorney-client privileged matters including the following:

- I. *Regents of the University of Minnesota v. Service Employees International Union, Local 284.*
- II. Potential Minnesota Government Data Practices Act litigation by University employee.

The Board voted unanimously to adopt the resolution and the public portion of the meeting ended at 11:39 a.m.

The meeting adjourned at 1:22 p.m.

A handwritten signature in black ink that reads "Brian R. Steeves". The signature is written in a cursive style with a large initial 'B' and 'S'.

**BRIAN R. STEEVES**  
**Executive Director and**  
**Corporate Secretary**

**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Mission Fulfillment Committee  
September 7, 2017**

A meeting of the Mission Fulfillment Committee of the Board of Regents was held on Thursday, September 7, 2017, at 1:30 p.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: Abdul Omari, presiding; Thomas Anderson, Richard Beeson, Linda Cohen, Michael Hsu, Dean Johnson, Peggy Lucas, David McMillan, Ken Powell, Darrin Rosha, and Steve Sviggum.

Staff present: President Eric Kaler; Chancellors Michelle Behr, Lendley Black, Mary Holz-Clause; Interim Chancellor Lori Carrell; Executive Vice President and Provost Karen Hanson; Senior Vice President Brian Burnett; Vice Presidents Bernard Gulachek and Matt Kramer; Interim Vice President Allen Levine; General Counsel Douglas Peterson; and Executive Director Brian Steeves.

Student Representatives present: Lauren Anderson and Apoorva Malarvannan.

**2017-18 COMMITTEE WORK PLAN**

Regent Omari and Provost Hanson reviewed the 2017-18 work plan for the Mission Fulfillment Committee, as detailed in the docket. Regents discussed the proposed topics and by consensus agreed to the work plan.

**REPORT ON UNDERGRADUATE AND GRADUATE ACADEMIC PROGRAM CHANGES**

Regent Omari invited Provost Hanson to provide a summary of 2016-17 academic program changes and share examples of the process by which faculty and units develop proposals for new academic programs, as detailed in the docket.

Hanson reported that over the last year, four baccalaureate degrees, four post-baccalaureate degrees, five certificate programs, 14 minors, and six Medical School fellowships were added. She noted that the number of degree programs remains relatively constant, with additions and discontinuations each year. Hanson provided an overview of the review process academic program changes undergo prior to a recommendation to the Board. She emphasized that the process is highly consultative and engages participants at all levels.

Leadership from several programs shared examples of an academic program change from the past year:

- Katherine Hayes, Associate Professor, Anthropology, College of Liberal Arts, UMTC
- Christopher Cramer, Associate Dean, College of Science and Engineering, UMTC
- Michael White, Associate Dean, College of Food, Agricultural and Natural Resource Sciences, UMTC
- Barbara Keinath, Vice Chancellor for Academic and Student Affairs, UMC
- Fernando Delgado, Executive Vice Chancellor for Academic Affairs, UMD
- Jodi Dworkin, Associate Professor, Family Social Science, College of Education and Human Development, UMTC

- Paul Siliciano, Associate Professor, Biochemistry, Molecular Biology, and Biophysics, College of Biological Sciences, UMTC

Regent Johnson commented on the success of faculty and academic leaders in communicating across disciplines to create or change academic programs. He expressed his satisfaction that academic programs are responding to industry needs, citing the rapidly changing agriculture industry and the food systems degree as one example. Regent Anderson added that it is important to be strategic and flexible in order to meet the demands of industry.

Regent Rosha asked how students are involved in the process of revision or creation of academic programs. Keinath responded that four students serve on Crookston's campus-wide curriculum review committee. White noted that students also serve on the curriculum committee for the College of Food, Agricultural and Natural Resource Sciences on the Twin Cities campus and shared an example of an academic program change initiated by student interest in a particular subject.

Rosha asked how new programs and program changes are communicated to and consulted with the public, especially alumni and industry partners. Delgado explained that each college on the Duluth campus has an external advisory board that provides feedback throughout the process. He shared that those boards are valuable partners in determining workforce needs in specific industries.

In response to a question from Regent Beeson, Hanson noted that the decision to discontinue or change an academic program is not always difficult and often responds to student demand.

In response to questions from Regent Powell, Siliciano explained that the Campus Curriculum Committee approves new courses but is not responsible for approving discontinuations. Hanson noted that the process for discontinuing courses has a similar level of review.

Student Representative Malarvannan observed that academic programs are often created in response to a local or statewide workforce need and asked if national or international workforce needs are considered as well. Cramer shared the example of the master's degree in data science, which was developed in response to the rapidly expanding needs for data scientists nationally and internationally.

## **SYSTEM-WIDE ENROLLMENT PLANNING**

Regent Omari invited President Kaler; Provost Hanson; Lori Carrell, Interim Chancellor, UMR; Sandra Olson-Loy, Vice Chancellor for Student Affairs, UMM; and Robert McMaster, Vice Provost and Dean for Undergraduate Education, UMTC to discuss system-wide enrollment planning, as detailed in the docket.

Kaler introduced the discussion as a critical component in the system-wide strategic planning effort over the next year. Hanson explained the complexities of enrollment management and introduced the work of the System Enrollment Management Workgroup. Olson-Loy reported that enrollment management is central to the success of each campus as well as the University system as a whole. She added that although the system campuses are not interchangeable, enrollment principles are consistent across the system.

McMaster provided an overview of current collaborative enrollment efforts across the campuses, including recruitment and retention initiatives. Carrell reported on the work of the System Enrollment Management Workgroup, its timeline, and draft recommendations.

In response to a question from Regent Lucas, McMaster explained that many out-of-state colleges actively recruit students from Minnesota high schools, especially from the Twin Cities metro area. He cited the quality of Minnesota high school graduates and the sheer number of students as reasons Minnesota sees a greater number of students leaving the state for college.

Regent Johnson asked if the programs offered at the University are similar to those offered at peer institutions. McMaster explained that business, engineering, and liberal arts programs are similar to peer institutions, but that the University has unique programs in agriculture, design, and education that set it apart.

Johnson commented on the disproportionate number of students leaving Minnesota to attend college in neighboring states, and asked if the University should work to keep more of those students in Minnesota. Olson-Loy explained that the workgroup is looking at how migration out of the state affects the University and noted that many factors influence a student's college decision.

In response to questions from Regent Beeson, McMaster described the process of the Share My App program, noting that every student who applies to the Twin Cities campus receives a letter asking them if they would like their application sent to the system campuses as well. McMaster reported that during the last admissions cycle, Share My App yielded 13 students attending at Crookston, 214 at Duluth, 22 at Morris, and 37 at Rochester. Beeson urged the presenters to consider using strategies similar to those that have been successful in increasing enrollment of non-resident/non-reciprocity students, notably personal calls from recruiters.

Regent Rosha noted that although the number of high school graduates in the Midwest is projected to shrink overall, Minnesota's number is expected to increase. Olson-Loy agreed and added that competition for recruiting Minnesota students will also increase. McMaster cautioned the committee against relying on the long-term demographic data since, until recently, the number of high school graduates in Minnesota was expected to drop in 2025.

Regent Powell stressed the importance of understanding the data and trends of each individual campus as well as the University system and how they are interrelated. Olson-Loy agreed, noting that leaders from each campus met a year ago to discuss campus-specific data and that the workgroup will look deeper into the inter-relationships.

In response to a question from Student Representative Malarvannan, McMaster reported that the University is moving forward with collecting more detailed race and ethnicity data on the application for admission.

In response to questions from Regent Hsu, Olson-Loy confirmed that identifying the enrollment capacity of each campus is within the scope of the workgroup. McMaster reported that the Twin Cities campus is expecting the largest incoming class since the 1970. Carrell noted that the Rochester campus will see its largest incoming class this fall, and plans to grow each future incoming class by 50 students per year.

President Kaler reported on the enrollment challenges of the Twin Cities and Duluth campuses that admit college-by-college, explaining that some colleges are full while others have room to grow.

### **ROLE OF UNIVERSITY LIBRARIES IN ADVANCING THE THREE-PART MISSION**

Regent Omari invited Provost Hanson and Wendy Pradt Lougee, University Librarian and McKnight Presidential Professor, to present the role of the University Libraries in advancing the three-part mission, as detailed in the docket.

Hanson introduced the item and reminded the committee that the University Libraries was the recipient of the 2017 National Medal for Museum and Library Service, the nation's highest honor for service to the community. She added that the University Libraries serve not only the University's faculty, students, and staff but all Minnesotans, which is important to the University's outreach mission.

Lougee summarized the scope of the University Libraries and explained the evolution of libraries in the digital age, with an increasing amount of the collection and resources stored and available online. She reported that the role of the librarian in an academic setting has grown and expanded accordingly, as more content is available outside of the walls of the physical library building.

In response to questions from Regent Lucas, Lougee reported that a third cavern in Anderson Library would not be as cost effective as other archive and storage space for the University Libraries collection. Kaler reminded the committee that the six-year capital plan calls for renovation of the Murphy warehouse property in order to house collections and artifacts.

Regent Beeson asked if the word library is still descriptive of what libraries do and whether there are national trends of renaming or rebranding libraries. Lougee shared that most libraries are continuing to use the term as it has traditional and ethical implications. She added that some are moving away from the term, citing an example of one graduate program in library science changing to a school of information.

In response to a question from Regent Anderson, Lougee reported that Wilson Library has seen a 65 percent increase in walk-in usage since the recent renovation that included expansion of seating and collaborative study spaces.

Regent McMillan inquired about changing cost drivers as libraries move from physical facilities to digital collections. Lougee cited one study from an economist that estimated the cost of a digital asset under \$1 while a physical asset in an active library cost just under \$5.

Regent Hsu shared that when he has conversations with students, a recurring theme is the lack of study spaces available on campus. He asked if libraries are open 24-hours to students. Lougee reported that select libraries are open 24-hours during final exams, but that it would not be cost-effective to have libraries regularly open 24-hours.

In response to a question from Regent Powell, Lougee reported that two libraries will move in conjunction with the construction of the Health Science Education Center, and that other top capital priorities include the Murphy Warehouse storage facility and renovation of Wilson Library.

## **CONSENT REPORT**

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

- **Request for Approval of New Academic Programs**
  - College of Continuing Education—Create post-baccalaureate certificate in Human Sexuality and deliver online

- **Request for Approval of Changed Academic Programs**

- College of Food, Agricultural and Natural Resource Sciences (Twin Cities campus)—Create integrated B.S./M.S. degree program in Plant Science and Applied Plant Sciences
- College of Science and Engineering and the Medical School (Twin Cities campus)—Create integrated B.Bm.E./M.S. degree program in Rehabilitation Science
- Carlson School of Management (Twin Cities campus)—Deliver the M.B.A. degree in partnership with Tongji University
- College of Science and Engineering (Twin Cities campus)—Create sub-plan in Analytics within the M.S.I.S.Y.E. degree
- College of Food, Agricultural and Natural Resource Sciences (Twin Cities campus)—Discontinue sub-plan in Corporate Environmental Management within the B.S. degree in Environmental Sciences, Policy and Management

- **Request for Approval of Discontinued Academic Programs**

- College of Education and Human Development (Twin Cities campus)—Discontinue the postbaccalaureate certificate in Applied Developmental Psychology

- **Request for Academic Unit Name Change**

- College of Continuing Education—Change academic unit name to the College of Continuing and Professional Studies

- **Request for Conferral of Tenure for Outside Hires**

- Anthony Azakie, Professor with tenure, Surgery, Medical School
- Nicola Elia, Professor with tenure, Electrical and Computer Engineering, College of Science and Engineering
- Miranda Joseph, Professor with tenure, Gender, Women, and Sexuality Studies, College of Liberal Arts
- Ning Ma, Associate Professor with tenure, Asian Languages and Literatures, College of Liberal Arts
- Sujaya Rao, Professor with tenure, Entomology, College of Food, Agricultural, and Natural Resource Sciences
- Jessica Stanton, Associate Professor with tenure, Hubert H. Humphrey School of Public Affairs
- Michael Todd, Professor with tenure, Anesthesiology, Medical School

### **INFORMATION ITEMS**

Provost Hanson referred the committee to the information items contained in the docket materials, which included a report of student activities and awards. Hanson also reminded the committee of President Kaler's recent memo to the University community, which committed to continuing to support students after the federal decision to rescind the Deferred Action for Childhood Arrivals (DACA). His memo also encouraged any students who may be affected by the decision to contact the Immigration Response Team.

Regent Hsu asked how many of the University's students are affected. President Kaler responded that the Office of Higher Education reports about 6,300 such students in Minnesota, but the University does not record that information about its students.

Regent Omari invited Meredith McQuaid, Associate Vice President of Global Programs and Strategy Alliance and Marissa Hill-Dongre, Director of the Immigration Response Team, to answer additional questions from the committee.

In response to questions from Regent Hsu, Hill-Dongre explained that the number of students contacting the Immigration Response Team (IRT) has increased after the DACA announcement. She added that faculty, advisors, and other staff have been reaching out with questions and for resources. She explained that the IRT is a centralized, system-wide resource that often refers students to other offices on campus. McQuaid added that the IRT also educates the University community.

Regent Rosha commented that the six months Congress has to enact a permanent solution provides an opportunity for the President and others to reach out to Minnesota's Congressional delegation to communicate the impact on the University. Kaler responded that the issue not only affects students, but also has implications on the future workforce of the state.

The meeting adjourned at 4:36 p.m.



**BRIAN R. STEEVES**  
**Executive Director and**  
**Corporate Secretary**

**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Governance & Policy Committee  
September 8, 2017**

A meeting of the Governance & Policy Committee of the Board of Regents was held on Friday, September 8, 2017 at 8:45 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: Darrin Rosha, presiding; Thomas Anderson, Richard Beeson, Michael Hsu, Dean Johnson, Peggy Lucas, David McMillan, Abdul Omari, Kendall Powell, Patricia Simmons, and Steve Sviggum.

Staff present: President Eric Kaler; Chancellors Michelle Behr, Lendley Black, and Mary Holz-Clause; Interim Chancellor Lori Carrell; Executive Vice President and Provost Karen Hanson; Senior Vice President Brian Burnett; Vice Presidents Kathryn Brown and Matt Kramer; Interim Vice Presidents Michael Berthelsen and Allen Levine; General Counsel Douglas Peterson; Executive Director Brian Steeves; Chief Auditor Gail Klatt; and Associate Vice Presidents Julie Tonneson and Michael Volna.

**2017-18 COMMITTEE WORK PLAN**

Regent Rosha and Executive Director Steeves reviewed the 2017-18 work plan for the Governance & Policy Committee, as detailed in the docket. Regents discussed the proposed topics and by consensus agreed to the work plan.

In response to a question from Regent Simmons, Rosha explained that the purpose of the first conversation related to Board approval thresholds is for the committee to provide input on potential changes. He noted that policy language will be drafted for review based on that conversation.

**BOARD OF REGENTS POLICY: INSTITUTIONAL CONFLICT OF INTEREST  
(CHANGE IN FINANCIAL DISCLOSURE REQUIREMENTS)**

Regent Rosha invited Boyd Kumher, Chief Compliance Officer, to review proposed amendments to Board of Regents Policy: *Institutional Conflict of Interest* related to a change in financial disclosure requirements, as detailed in the docket.

Kumher outlined the current conflict of interest process for University employees, describing the difference between individual and institutional conflict of interest. He described the annual Report of External Professional Activities (REPA) process and the types of employees required to complete a REPA. He explained that the REPA ensures the University is aware of potential conflicts of interest and can work with the employee to manage them.

Kumher compared the REPA to the Financial Disclosure for University Officials (FDUO). He explained that employees defined in policy as being University officials are required to complete both the REPA and the FDUO. He noted that the FDUO duplicates much of the information required by the REPA, but also examines whether a University official has any interests in a business entity that may create a conflict of interest.

Kumher reviewed the proposed amendments, noting that they would reduce the number of employees defined as University officials from 180 to 51. He emphasized that the individuals removed from the FDUO filing will still be required to complete a REPA. Kumher stated that the amendments will reduce the compliance burden without substantially changing the level of oversight. He noted the absence of institutional conflict of interest issues in the last five years for those positions being eliminated from the University official definition.

Regent Simmons asked why coaches are excluded. Kumher explained that they are required to file a REPA and that 100 percent of coaches have filed a REPA over the past three to four years. If a REPA raises concerns about a coach's financial interests, the coach could be added to the list of those required to file a FDUO. He observed that conflict of interest programs must try to balance oversight and the cost of compliance. He reiterated the ability to increase the level of oversight for any REPA filer.

In response to a question from Regent Anderson, Kumher explained that the REPA discloses potential conflicts of interest, but is not made public. The FDUO requires additional details on significant economic interests that could create a conflict of interest for a University official, including the requirement to disclose any real estate holdings outside of the filer's primary residence. Kumher noted that the FDUO is considered a public document and has been released to the public upon request. He added that the proposed changes are intended to right size compliance in this area for the University.

In response to a question from Rosha, Kumher agreed that the public nature of the FDUO helps create a check on potential conflict of interest actions taken by University officials. He added that the REPA creates a high degree of oversight internally.

Regent Hsu inquired about the monetary value of the administrative burden for the conflict of interest program, including the current number of FDUO filers. Kumher responded that the Office of Institutional Compliance is working on how to calculate the cost of compliance for the University. He noted that since the Office of Institutional Compliance has not made any findings on the 129 positions being eliminated from the policy in recent years, the cost is minimal. He offered that the other cost is the filer's time to complete the FDUO, which varies depending on a person's assets and real estate.

In response to Simmons, Kumher agreed to confirm that the title of University Librarian is not being used by other positions.

Regent Beeson commented that he previously raised the need for the University to have a full understanding of the total cost of compliance. He stressed the importance of defining and monitoring that cost and communicating it to public officials. Kumher agreed, noting that the diversity of enterprises within higher education makes it challenging to calculate that cost. One key challenge is how to account for employee time used to comply with regulations.

Rosha commented that having to disclose personal financial matters to the public could be a deterrent in attracting some individuals to work for the University. He added that he does not find the lack of recent issues with filers being eliminated from the FDUO requirements as a compelling reason to amend policy. Rosha stated his belief that the public wants to ensure that public officials at the University are not benefiting from potential conflict of interests. He requested that the Office of the General Counsel describe other processes in place for these groups outside of the FDUO requirements.

**BOARD OPERATIONS, PART 1:  
FUNDAMENTAL PLANNING DOCUMENTS**

Regent Rosha invited Executive Director Steeves to review fundamental planning documents contained in Board of Regents Policy: *Board Operations and Agenda Guidelines* (BOAG), as detailed in the docket.

Steeves explained the importance of BOAG and the role it plays in establishing the structure and processes that facilitate the Board's work. He reminded the committee that BOAG is currently undergoing comprehensive review and that the committee has already done significant work in reviewing the policy. He outlined the remaining items that require review.

Steeves defined the fundamental planning documents described in BOAG, which include the *University Plan, Performance, and Accountability Report*; Annual Operating Budget; and Capital Budget. He outlined the components of each document and how the document has evolved versus how policy defines it. He offered discussion questions for the committee's consideration.

Regent McMillan shared his appreciation for the focus on how the Board does its work and defining the intersection of governance and management.

Regent Beeson stated that a system-wide strategic plan should be included in BOAG. He noted that the additional operating budget agenda items should not be codified in policy, but should instead be a part of the Board's annual planning process. He suggested adding the University Progress Card to policy, and shared his hope that the *University Plan, Performance, and Accountability Report* could be more formally presented to the Minnesota Legislature, perhaps during a committee hearing. He noted that in the absence of a formal hearing, the administration should consider how to communicate the report to legislators more effectively.

Regent Omari suggested that a more robust conversation on the University Progress Card and its role take place before the card is included in BOAG.

Regent Powell commented that the *University Plan, Performance, and Accountability Report* could accommodate within it many of the improvements, including the University Progress Card and system-wide strategic plan. He wondered if the plan could be refreshed and expanded to include those items instead of adding them to policy.

Regent Hsu stated his support for adding a long-range system-wide strategic plan. He noted his belief that without such a plan, decisions are made for the next year without a long-range context. He explained that with a system-wide strategic plan, the Board could ensure that priorities are funded at the level needed to succeed.

Regent Johnson referenced the perception of some elected officials that the University does not feel budgetary pain and suggested that perhaps the budget process should show where the potential pain would be. He added that raising tuition to account for decreased legislative funding is not as appropriate as it once was. He emphasized the need for the University to show what it is willing to give up to make the institution more efficient.

Regent Sviggum shared that he finds the University's operating budget more complicated than the State of Minnesota's. He suggested that the operating budget be clearer to both Regents and the public. He commented on a lack of public input into the operating budget and offered his view that public testimony should be a part of the operating budget process. Rosha agreed that public input is important and offered that the Board will need to address the topic of increased public input and clarity within the operating budget materials.

Steeves agreed that the operating budget content provided to the Board and public along with opportunities for public input are questions for the full Board. He observed that there are many models for obtaining public input and noted that the Board used an online comment method during that last budget cycle that received more public input than what was provided via the public forum approach used previously.

Rosha commented that the system-wide strategic plan and University Progress Card are essential. He noted the potential overlap between the system-wide strategic plan and the *University Plan, Performance, and Accountability Report*.

President Kaler remarked that operating budget input by the Board has evolved. He noted that while he is open to finding additional ways for the Board to offer input within the process, the timing and schedule imposed by the Minnesota Legislature is a limiting factor. He expressed his belief that the current process provides enough lead time for conversations around tuition and priorities for the upcoming year and how those align to the strategic plan.

**COMMITTEE CHARGES:  
FINANCE & OPERATIONS COMMITTEE**

Regent Rosha invited Senior Vice President Burnett and Jason Langworthy, Board Associate, Policy & Committees, to discuss a draft committee charge for the Finance & Operations Committee, as detailed in the docket.

Langworthy reminded the committee that when the Board approved the *Resolution Related to Board Committee Structure*, it created temporary committee descriptions and directed the executive director and corporate secretary to draft amendments to Board of Regents Policy: *Board Operations and Agenda Guidelines* (BOAG) to codify the new committee structure. He outlined the committee charge structure and reviewed the committee description.

Langworthy detailed the types of items the committee will recommend to the Board for action. He described how the section incorporates cross references to areas of reserved authority to ensure that if changes are made to approval thresholds in Board of Regents Policy: *Reservation and Delegation of Authority*, further amendments will not need to be made to BOAG.

Burnett described the action items the committee will recommend to the Board. He offered his view that the work of this committee is to provide support and structure needed to ensure that items being considered in the Mission Fulfillment Committee can be carried out. Burnett described how the new committee will be able to review the financial and project aspects of the state capital request together, instead of across two committees. He offered that the annual operating budget will benefit from the new committee charge since all 12 Regents will be able to participate in the more detailed committee discussions.

Langworthy described the areas of committee oversight. Burnett offered examples from the current work plan, highlighting the long-range financial planning and student housing discussions as examples of how the committee will provide oversight and input on areas defined within the draft charge. Langworthy outlined the last section of the charge, which includes required reports and updates.

Regent Simmons asked for clarification on whom the committee makes recommendations to, noting that the charge should be clear on when the committee is recommending action, when it is advising the Board or administration, and when it is directing the administration to take an action. Langworthy clarified that the committee is making recommendations to the full Board and agreed that language could be updated to prevent confusion. He added that the draft language will be in a broader context within BOAG, which will provide further clarity.

Regent McMillan commented that while it might feel redundant for a committee of all Regents to recommend action to the full Board, that practice will remain. Simmons agreed, noting that although the committee may vote to recommend approval of an item, the full Board may vote against approval if new information arises between the two meetings.

Regent Beeson wondered how the consent report will be expanded to address the increased number of approval recommendations, asking Regent Anderson if the work laid out in the charge was manageable. Anderson responded that the committee took up real estate actions in the consent report yesterday, which is a new practice. He noted the committee split out an item from the consent report yesterday and indicated that the process worked well. He expressed his belief that the amount of work before the committee is manageable. He offered his agreement with Simmons that the Board could change its position on a recommendation between the committee and full Board meeting.

Regent Powell highlighted the link between the Mission Fulfillment Committee and the Finance & Operations Committee around employee engagement and recruitment. He asked about shared accountability between the two committees on the development of employees. Burnett agreed that Finance & Operations will need to be flexible to provide what is needed to support the academic mission of the institution.

Rosha noted that this conversation allowed the committee to think through the broader themes that cross committee charges and where to draw the lines of responsibility between committees. He agreed that the topics in Mission Fulfillment will drive conversations in Finance & Operations, but offered that certain conversations in Finance & Operations may determine how Mission Fulfillment approaches some topics. He noted the use of the consent report in Finance & Operations and cautioned that while items could be pulled out of the consent report, the majority of the report needs to be approved efficiently to avoid significant time pressure.

The meeting adjourned at 10:00 a.m.



**BRIAN R. STEEVES**  
**Executive Director and**  
**Corporate Secretary**

**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Board of Regents Meeting  
September 8, 2017**

A meeting of the Board of Regents of the University of Minnesota was held on Friday, September 8, 2017 at 10:15 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: David McMillan, presiding; Thomas Anderson, Richard Beeson, Michael Hsu, Dean Johnson, Peggy Lucas, Abdul Omari, Kendall Powell, Darrin Rosha, Patricia Simmons, and Steve Sviggum.

Staff present: President Eric Kaler; Chancellors Michelle Behr, Lendley Black, and Mary Holtz-Clause; Interim Chancellor Lori Carrell; Executive Vice President and Provost Karen Hanson; Senior Vice President Brian Burnett; Vice Presidents Bernard Gulachek and Matt Kramer; Interim Vice Presidents Michael Berthelsen and Allen Levine; General Counsel Douglas Peterson; Executive Director Brian Steeves; and Associate Vice Presidents Gail Klatt and Julie Tonneson.

**RECOGNITIONS**

**Regents Professor**

Recognition was given to Fionnuala Ní Aoláin, newly appointed Regents Professor. A Regents Professorship is the highest honor the University bestows on its faculty. The individual holds the title as long as he or she retains a full-time, tenured appointment as a faculty member of the University. Ní Aoláin is a Robina Chair in Law, Public Policy, and Society; and faculty director of the Human Rights Center at the Law School. Ní Aoláin briefly addressed the Board.

**University of Minnesota Libraries**

Recognition was given to the University of Minnesota Libraries for receiving the 2017 National Medal for Museum and Library Service. This medal is the nation's highest honor given to museums and libraries for service to the community. For more than two decades, the award has celebrated institutions that respond to societal needs in innovative ways, making a difference for individuals, families, and their communities. This is only the third time the award has been given to an academic library.

**INTRODUCTIONS**

**Dean, College of Design**

President Kaler and Provost Hanson introduced Carol Strohecker, Dean of the College of Design, who began her appointment on August 31, 2017. Strohecker holds a Ph.D. in Media Arts and Sciences and an M.S. in Visual Studies, both from the Massachusetts Institute of Technology. She briefly addressed the Board.

### **Dean, College of Pharmacy**

President Kaler and Provost Hanson introduced Lynda Welage, Dean of the College of Pharmacy, who began her appointment on July 31, 2017. Welage holds a Pharm.D from the State University of New York at Buffalo and a B.S. in pharmacy from the University of Michigan. She briefly addressed the Board.

### **Faculty Consultative Committee Chair**

President Kaler and Provost Hanson introduced Joseph Konstan, incoming Chair of the Faculty Consultative Committee. Konstan has both a Ph.D. and an M.S. in Computer Science from the University of California, Berkeley, and an A.B. in Computer Science from Harvard University. He briefly addressed the Board.

### **APPROVAL OF MINUTES**

A motion was made and seconded to approve the minutes as presented in the docket materials. Regent Rosha moved to amend the July 12, 2017 Board of Regents minutes to reflect his intended remarks regarding the agenda item on Board of Regents Policy: *Reservation and Delegation of Authority*. Regent Simmons seconded the motion and the Board of Regents voted unanimously to approve the amendment to the minutes.

The Board of Regents voted unanimously to approve the amended minutes of the Board of Regents meeting on July 12, 2017 and the following minutes as presented in the docket materials:

Board of Regents – June 20, 2017  
Presidential Performance Review Committee – FY 2017  
Special Selection Committee – July 12, 2017  
Litigation Review Committee – July 20, 2017  
Special Oversight Committee – August 16, 2017

### **REPORT OF THE PRESIDENT**

President Kaler reported on the President's Initiative to Prevent Sexual Misconduct, led by the Dean of the School of Public Health. Kaler remarked on the decision to rescind the Deferred Action for Childhood Arrivals (DACA) program. He emphasized the impact of this decision on the University's students and on the state's workforce. He also discussed initial efforts to promote the University's budget request to the legislature. Kaler noted several transitions within University leadership, including new chancellors at the Morris and Crookston campuses and the announced departure of the Vice President for Equity and Diversity.

A copy of the Report of the President is on file in the Board Office.

### **REPORT OF THE CHAIR**

Chair McMillan remarked on changes to the Board's committee structure and thanked all involved for their efforts to make that new structure a success. He reported on the Board retreat held July 12, 2017, during which the following strategic priorities were developed for 2017-18:

- Preserve and enhance the University's academic excellence and reputation.

- Drive impact of the University’s land-grant mission through access, inclusion, and student success.
- Achieve the vision for an integrated academic medical enterprise.
- Complete system-wide strategic plan that incorporates an academic investment strategy and long-term financial framework.
- Increase private and public support for the University’s mission.

McMillan noted that these priorities will guide the Board’s agenda planning and development throughout the year, and help the president and senior leaders advance their work.

McMillan called on Regent Johnson, Chair of the Presidential Performance Committee. Johnson reported that the committee, with input from the University community and external stakeholders, conducted a review of the president’s performance. He detailed several highlights of the past year, including strong philanthropic efforts, construction of new facilities across the system, and several new hires among the senior leadership team. Johnson acknowledged challenges and identified several priorities for the coming year. He reported that the committee is confident in the president’s leadership of the institution.

Regent Simmons thanked the internal and external stakeholders for their input into the review process. She commended Mrs. Kaler for her efforts and commitment to the University.

A copy of the Report of the Chair is on file in the Board Office.

#### **RECEIVE AND FILE REPORTS**

Chair McMillan noted the receipt and filing of the Quarterly Report of Grant and Contract Activity.

Regent Simmons expressed concern that government funding is down \$36 million from last year. She requested an update on the implications of that decrease at a future meeting. She suggested a broader qualitative discussion about research, noting that certain departments and projects do not receive as much funding but serve an important role in advancing the University’s mission.

#### **CONSENT REPORT**

Chair McMillan presented for review and action the Consent Report as described in the docket materials, including:

- Gifts
- Summary of Expenditures

Regent Powell recused himself from action on the Consent Report due to a potential conflict of interest related to a gift from General Mills. A motion was made and seconded, and the Board of Regents voted unanimously to approve the Consent Report.

#### **SYSTEM-WIDE STRATEGIC PLAN NEXT STEPS**

Chair McMillan invited President Kaler to introduce a discussion on the system-wide strategic plan, as detailed in the docket.

Kaler reviewed the timeline of the planning process to date. He emphasized the importance of including the University community, business leaders and public officials in evaluating next

steps. He acknowledged the need for a greater understanding of the University's position within the higher education landscape of the state and region. Kaler noted the importance of considering the University's impact in the community and on the state's economy.

Kaler reported the establishment of a System-Wide Oversight Committee, chaired by himself, and composed of system-wide senior leaders. He detailed the five focus areas, noting that each area will be led by a member of the committee:

1. Research and discovery
2. Outreach and public service
3. Teaching and learning
4. Medicine and health
5. Supporting the mission

Kaler outlined a tentative timeline for the planning process, noting that during the next year the Board will have an opportunity to provide feedback on progress. He anticipated finalizing the strategic plan by October 2018, to be included with the FY 2018-19 biennial budget request. McMillan added that Regents Powell and Rosha have volunteered to provide guidance in the planning process.

Rosha applauded the strategic plan next steps. Powell stressed that the process is ongoing and that ample time is required to develop a comprehensive plan.

Regent Omari observed that the committee has no representation from the Office for Equity and Diversity or from the student body and encouraged their inclusion. He asked how the concept of public engagement is being defined, suggesting it might not fit well in its current focus area: outreach and public service.

Kaler responded that diversity and inclusion are important considerations for every member of the committee. He noted that the current transition in OED precluded involvement by the vice president of that office, and committed to considering alternative representation. Kaler remarked that because the focus areas are interconnected, engagement and outreach will be considered in all aspects of the plan. He agreed with the importance of gathering input from students and committed to doing so, but added he believes it is not necessary to include a student on the committee. McMillan noted that student representatives to the Board will help bring the student voice to the discussion.

Rosha added that other groups do not have representation on the committee but their input will still be gathered. He suggested that senior leaders are accountable to the president in a way that students are not. Rosha added that each member of the committee has a responsibility to consider matters of diversity and inclusion. He offered that representation on the committee is not necessary to ensure input from a specific group.

## **UMF REPORT AND UPDATE**

Chair McMillan invited UMF President and CEO Kathy Schmidlkofer and Campaign Committee Co-Chairs John and Nancy Lindahl to present the annual report and update, as detailed in the docket.

Schmidlkofer reported on the formal launch of *Driven: the University of Minnesota Campaign*, only the third major campaign in the institution's history. She emphasized that this is a unique opportunity for the University's campuses, colleges, and units to showcase their philanthropic priorities. The Campaign's goal is to raise \$1 billion for students, \$2 billion for faculty and research, and \$1 billion for University initiatives and outreach. To date, the Campaign has

raised \$2.5 billion. Schmidlkofer outlined the campaign timeline and planning process, noting a projected end date of 2021.

John and Nancy Lindahl detailed the five campaign priorities and provided examples of ways the University is already delivering in each area:

1. Drive a Minnesota plan for innovation.
2. Protect and sustain agriculture, food, and water resources.
3. Provide a place of opportunity for everyone.
4. Accelerating advances in health.
5. Elevate a world-class student experience.

Regent Lucas moved approval of the Resolution Related to *Driven: The University of Minnesota Campaign*. Regent Omari seconded the motion.

Several Regents commended UMF and the Campaign committee for their efforts. They thanked the Lindahls for their continued support of the University.

The Board of Regents voted unanimously to adopt the Resolution Related to *Driven: The University of Minnesota Campaign*, as follows:

WHEREAS, today marks the launch of the largest fundraising campaign in University of Minnesota (University) history, harnessing private support from alumni, friends, and industry partners in every corner of the state and across the globe to serve future generations and help solve our world's grand challenges; and

WHEREAS, the University is a powerful economic engine for our state, driving innovations that attract world-class talent, fuel industries, and transform communities, contributing \$9 billion annually to Minnesota's economy; and

WHEREAS, the University is one of only five universities in the nation with schools of engineering, human and veterinary medicine, business, law, public policy, and agriculture on one campus; and

WHEREAS, as Minnesota's only land-grant institution and public research university, with campuses in Crookston, Duluth, Morris, Rochester, and the Twin Cities, the University's presence is felt in all 87 counties of the state, and the contributions of its alumni and faculty have global impact; and

WHEREAS, as Minnesota's sixth-largest employer, the University provides more than 26,000 jobs statewide; trains 70 percent of Minnesota's healthcare workforce; and the majority of its 15,000 graduates each year choose to live and work in Minnesota, creating a steady pipeline of talent and leadership; and

WHEREAS, in its 166-year history, the University has transformed the lives of generations of students, pioneered historic breakthroughs in such areas as medical devices, organ transplant, and regenerative medicine, and become a trusted source of expertise and solutions for people around the world; and

WHEREAS, the University's \$4 billion campaign will support five priorities: elevating a world-class student experience; accelerating advances in health; protecting and sustaining agriculture, food, and water; driving a Minnesota plan for innovation; and providing a place of opportunity for all; and

WHEREAS, the University is elevating a world-class student experience, enabling talented and curious students to participate fully in University life, perfect the craft of learning in classrooms, labs, and in hands-on, real-world experiences, grow in ways they never could have imagined, and go on to transform the world; and

WHEREAS, the University is accelerating advances in health, bringing new approaches to research and care and improving quality of life for people worldwide, by fighting infectious disease, preventing and treating conditions that threaten animals and humans, promoting health equity, and using new teamwork-focused models to educate the health workforce of the future; and

WHEREAS, the breadth of the University's expertise and the geographic locations of its campuses – in urban centers and on our country's greatest river, greatest lake, and greatest prairie – position it to play a leading role in protecting and sustaining agriculture, food, and water for future generations; and

WHEREAS, the University is driving a Minnesota plan for innovation based on deeper engagement with industry, transformative student experiences that produce business thinkers and leaders who thrive in a global economy, and creative incubation hubs that encourage collaboration among experts from multiple disciplines; and

WHEREAS, the University believes everyone should have the opportunity to reach their full potential and is committed to providing a place of opportunity for all, by advocating for equity and justice, enriching our collective quality of life through statewide arts initiatives, and working to eliminate the achievement gap in our schools;

NOW, THEREFORE, BE IT RESOLVED that the Regents of the University of Minnesota endorse *Driven: The University of Minnesota Campaign*, and express appreciation to the campaign's leadership and donors for their contributions, which together will ensure its success.

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

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

- 1) Approval of the Consent Report for the Finance & Operations Committee as presented to the committee and described in the September 7, 2017 committee minutes.
- 2) Approval of the amendment to the title sponsorship rights agreement with TCF Financial Corporation and TCF National Bank.

Regent Johnson thanked TCF for its continued support of the University and Gopher Athletics. He added that TCF's commitment sets an example for partnership and philanthropy for other companies in the region.

Regent Rosha asked if the allocation of funds generated from the amended agreement will return to the Board for approval. Kaler responded that stewardship of funds received for a specific facility remain with the unit that oversees that facility's operation, and so these funds will be allocated to the Department of Intercollegiate Athletics (Athletics). Senior Vice President Burnett confirmed that the initial \$8 million will support Athletes Village debt service, and the additional \$4 million will also support Athletics projects should TCF elect to execute the agreement extension. He clarified that the allocation of those funds will be included in Athletics' budget, which is part of the University's annual budget that comes to the Board for approval.

Rosha observed the difference between financing a current project and holding funds in reserve for a specific purpose. He noted that this practice limits the use of those dollars and allows little flexibility for future considerations. He suggested it is more prudent to invest the \$4 million until the extension is executed. Rosha reiterated his concern with items coming to the Board for review and action in the same meeting, in that this does not allow for careful consideration of important issues.

In response to a question from Regent Hsu, Burnett confirmed that the amended agreement does not violate any existing agreements between the University and the NCAA or Big Ten.

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

#### **REPORT OF THE AUDIT & COMPLIANCE COMMITTEE**

Regent Powell, Vice Chair of the committee, reported that the committee reviewed the charters that guide internal audit work and discussed a process and plan for updating the institutional risk profile.

#### **REPORT OF THE LITIGATION REVIEW COMMITTEE**

Regent Beeson, Chair of the committee, reported that pursuant to notice sent by the University, the Litigation Review Committee met on July 20, 2017 and September 7, 2017. At each meeting, a resolution was considered and adopted that authorized the closing of the meeting. In the closed meetings, discussion was held on matters subject to the attorney-client privilege.

#### **REPORT OF THE MISSION FULFILLMENT COMMITTEE**

Regent Omari, Chair of the committee, reported that the committee voted unanimously to recommend:

- 1) Approval of the Consent Report for the Mission Fulfillment Committee as presented to the committee and described in the September 7, 2017 committee minutes.

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

Regent Omari reported that the committee also discussed system-wide enrollment planning; reviewed the role of the University Libraries; and discussed the implications of elimination of the DACA program.

#### **REPORT OF THE GOVERNANCE & POLICY COMMITTEE**

Regent Rosha, Chair of the committee, reported that the committee had no action items this month.

## REPORT OF THE SPECIAL OVERSIGHT COMMITTEE

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

- 1) Approval of the Resolution Related to Joint Report and Recommendations on Title IX and Athletic Discipline Practices.

Regent Sviggum emphasized that the report of the outside counsel stated that no laws, procedures, policies, or rules were broken in the University's handling of the incident.

Regent Simmons suggested that the Board, not the president, determine its procedures for handling future incidents. She noted potential changes at the federal level regarding sexual assault that could affect the University's response to future incidents of misconduct.

Regent Rosha clarified that approval of the resolution indicates only that the report has been received by the Board and does not endorse its findings.

Regent Hsu commented on inaccuracies in the report and asked about the procedure to correct them. Executive Director Steeves responded that the resolution directs the president to return to the Board with recommendations, so there will be an opportunity for future Board consideration. He added that Regents could work through the University's General Counsel to correct any discrepancies in the report.

The Board of Regents voted unanimously to adopt the Resolution Related to Joint Report and Recommendations on Title IX and Athletic Discipline Practices, as follows:

WHEREAS, on April 14, 2017 the Board of Regents (Board) chair and vice chair appointed a Special Oversight Committee (Committee) consisting of Regents Anderson (chair), Lucas, and Sviggum; and

WHEREAS, the Committee was charged to oversee review of the following issues:

1. Practices and policies with respect to suspensions and other discipline within the Department of Intercollegiate Athletics (Twin Cities Campus), including how these practices and policies interact or relate to Board of Regents Policy: *Student Conduct Code* (Conduct Code) process and the criminal justice process.
2. The standards of review and processes at each stage of the Conduct Code process as it relates to Title IX matters.
3. Practices and policies regarding permissible communication during the Conduct Code process, including specifically when that process involves student-athletes.
4. Lessons learned from the threatened boycott by the football team, including review of involvement by Regents, senior University leaders, coaches, and individuals from outside the University; and

WHEREAS, the Committee met on May 4, 2017 and endorsed retention of John Marti and Jillian Kornblatt from Dorsey & Whitney to conduct this review; and

WHEREAS, working in concert with the University's Office of the General Counsel and the University's Office of Internal Audit, Dorsey & Whitney has now delivered a report concluding that no laws or policies were violated, but making recommendations for improvement that require consideration and evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the Board formally acknowledges receipt of the Joint Report and Recommendations on Title IX and Athletic Discipline Practices and charges the President to review and evaluate its recommendations and develop a plan to implement changes where appropriate as part of ongoing work related to the President's Initiative to Prevent Sexual Misconduct; and

BE IT FURTHER RESOLVED that the President shall provide to the Board a report on progress and implementation plans no later than February 2018.

The meeting adjourned at 12:21 p.m.

A handwritten signature in black ink that reads "Brian R. Steeves". The signature is written in a cursive, flowing style.

**BRIAN R. STEEVES**  
**Executive Director**  
**and Corporate Secretary**



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**October 13, 2017**

**AGENDA ITEM:** Report of the President

**Review**

**Review + Action**

**Action**

**Discussion**

*This is a report required by Board policy.*

**PRESENTERS:** President Eric W. Kaler

## **PURPOSE & KEY POINTS**

It is customary for the President to report on items of interest to the University community at each Board meeting.



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**October 13, 2017**

**AGENDA ITEM:** Report of the Chair

**Review**

**Review + Action**

**Action**

**Discussion**

*This is a report required by Board policy.*

**PRESENTERS:** Regent David J. McMillan

## **PURPOSE & KEY POINTS**

It is customary for the Chair to report on items of interest to the University community at each Board meeting.



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**October 13, 2017**

**AGENDA ITEM:** Receive & File Reports

**Review**

**Review + Action**

**Action**

**Discussion**

*This is a report required by Board policy.*

**PRESENTERS:** Regent David J. McMillan

## **PURPOSE & KEY POINTS**

The following items are included for receipt and filing:

- A. Report on Legal Matters



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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Board of Regents

October 13, 2017

AGENDA ITEM: Consent Report

Review       Review + Action       Action       Discussion

This is a report required by Board policy.

PRESENTERS: Regent David J. McMillan

## PURPOSE & KEY POINTS

To seek Board approval of items in the Consent Report, as required in Board of Regents Policy: *Reservation and Delegation of Authority*.

Items for consideration:

**A. Gifts**

The President recommends approval of the Summary Report of Gifts to the University of Minnesota through August 31, 2017.

**B. Report of the Naming Committee**

The President recommends approval of the University Naming Committee recommendations forwarded to the Board in a letter dated October 5, 2017.

**C. Report of the Regents Award Nominating Committee**

The recommendation of the Regents Award Nominating Committee was forwarded to the Board in a letter dated October 5, 2017.

**D. Appointments to the University of Minnesota Foundation Board of Trustees**

As outlined in Board of Regents Policy: *Appointments to Organizations and Boards*, the Board Chair, in consultation with the President, recommends nominees for Board-appointed seats on the University of Minnesota Foundation Board of Trustees. The Chair recommends appointment of the following individuals to serve a 3-year term on the University of Minnesota Foundation Board of Trustees (UMF).

- *David J. Meyer (Completing 1st term as a regent-nominated trustee; eligible for 2nd term)* – Meyer is the Chairman and CEO of Titan Machinery Inc., founded in 1980 and headquartered in West Fargo, ND. The Company owns and operates a network of full-service agricultural and construction equipment stores in the United States and Europe. The Titan Machinery network consists of 89 North American dealerships in North

Dakota, South Dakota, Iowa, Minnesota, Montana, Nebraska, Wyoming, Wisconsin, Colorado, Arizona, and New Mexico including three outlet stores, and 20 European dealerships in Romania, Bulgaria, Serbia, and Ukraine. The Titan Machinery dealerships represent one or more of the CNH Industrial Brands, including CaseIH, New Holland Agriculture, Case Construction, New Holland Construction, and CNH Industrial Capital. Titan Machinery employs approximately 2400 employees worldwide.

Meyer is a 1975 graduate of the University of Minnesota. In 1975, he was employed by Case Company. From 1976 to 1980, David was a partner in a Case and New Holland dealership with locations in Lisbon and Wahpeton, ND. He was co-founder of Ransom and Richland County Implement (now known as Titan Machinery Inc.) in 1980.

Meyer is a past member of the CaseIH Dealer Advisory Board, the past President of the North Dakota CaseIH Roughrider Group, former Board Member of the Lisbon School Board, past member of Lisbon Economic Development, past Board Member of the CHI Lisbon Health Hospital Board, past member of the FCSN Foundation Board, and former St. Aloysius Church Trustee. Currently David serves on the ASI Board of Directors and is a past President and current Board Member of the North Dakota Implement Dealers Association. In 1991, he received the Friend of 4-H award and has an honorary FFA degree. In 2009, he received the Ernst & Young Entrepreneur of the Year Award.

Meyer and his wife Candace “Kandi” reside in West Fargo.

- *Simon K. W. Wong (Completing 4th term, 1st as a regent-nominated trustee; eligible for 5th term, 2nd as a regent-nominated trustee)* – Wong is the founder, chairman and managing director of the Kampery Group, headquartered in Hong Kong with regional offices throughout China and Canada. Kampery's business includes manufacturing, wholesale, retail and export of coffee, tea, coffee machines, dairy products, health and organic products.

Wong is an adjunct professor of the faculty of business of the City University of Hong Kong. His extensive board experience includes Member, Advisory Council on the Environment, Hong Kong; Member, Expert Committee on Food Safety, Hong Kong; Member, Advisory Committee on Agriculture & Fisheries, Hong Kong; Member, Occupational Safety and Health Council, Hong Kong; Member, China Trade Consultation Committee of Hong Kong Trade Development Council; President, Hong Kong Federation of Restaurants & Related Trades; Director, Community Chest of Hong Kong; Director, Chinese Manufacturer's Association of Hong Kong; Vice President, Hong Kong Food Council; Honorary Vice President, Hong Kong Girl Guides Association; Chairman, Scout Association of Hong Kong – East Kowloon Region.

Wong and his wife, Iris Leung, live in Repulse Bay, Hong Kong.

## **PRESIDENT'S RECOMMENDATION**

The President recommends approval of the Consent Report.

**MEETING OF THE BOARD OF REGENTS  
GIFTS TO BENEFIT THE UNIVERSITY OF MINNESOTA  
SUMMARY REPORT\***

**October 2017 Regents Meeting**

	August		Year-to-Date	
	2017	2016	07/01/17 08/31/17	07/01/16 08/31/16
<b>U of M Gift Receiving</b>	\$ 262,818	\$ 190,439	\$ 283,044	\$ 229,283
<b>4-H Foundation</b>	43,889	41,207	69,638	77,097
<b>Arboretum Foundation</b>	486,116	459,253	630,469	1,176,079
<b>Univ of MN Foundation</b>	35,319,834	15,869,899	49,297,272	27,832,391
<b>Total Gift Activity</b>	<b>\$ 36,112,657</b>	<b>\$ 16,560,798</b>	<b>\$50,280,423</b>	<b>\$ 29,314,850</b>

*U of M and Arboretum numbers decreased due to gift corrections of donations booked in July.*

\*Detail on gifts of \$5,000 and over is attached.

Pledges are recorded when they are received. To avoid double reporting, any receipts which are payments on pledges are excluded from the report amount.

## Gifts to benefit the University of Minnesota

### Gifts received in August 2017

<u>Donor</u>	<u>Gift/Pledge</u>	<u>Purpose of gift</u>
<b><u>\$1 Million and Over</u></b>		
Anonymous	Pledge	Medical School
Anonymous	Pledge	Intercollegiate Athletics
Mary Livingston Griggs/ Mary Griggs Burke Fdn.	Gift	College of Liberal Arts
Don and Lorraine Freeberg Fdn.	Pledge	Carlson School of Management
The Gordon and Margaret Bailey Fdn.	Gift	College of Food, Agricultural and Natural Resource Sciences, Academic Health Center
Anonymous	Pledge	Intercollegiate Athletics
<b><u>\$500,000 - \$1,000,000</u></b>		
Wyona R. Bartsch Estate	Gift	College of Science and Engineering, School of Nursing
<b><u>\$250,000 - \$500,000</u></b>		
Linda Bachman Felker and David R. Felker	Gift	Scholarships
The Hormel Fdn.	Gift	Hormel Institute
Susan M. Duncan Estate	Gift	College of Education and Human Development, Law School
Chainbreaker	Gift	Cancer Research
Childrens Cancer Research Fund	Gift/Pledge	Medical School, Academic Health Center
Helen Z. Elahi Estate	Gift	Global Programs and Strategy Alliance
E. Joyce Rembold Estate	Gift	College of Science and Engineering
Richard and Maureen Schulze Fund-St. Paul Fdn.	Gift	Medical School
<b><u>\$100,000 - \$250,000</u></b>		
Frederick B. Wells Jr. Trust	Gift	Medical School
Paul and Mary Webster	Gift	Libraries
Karin M. Peterson Estate	Gift	College of Veterinary Medicine
The Hubbard Broadcasting Fdn.	Gift	Medical School
Diane and Larry A. Zavadil	Gift	Intercollegiate Athletics
Donald L. Sime Estate	Gift	College of Veterinary Medicine, School of Nursing
Robert L. Karlstrand Estate	Gift	School of Nursing

**\$100,000 - \$250,000**

Matthew A. and Heidi L. Mazzucchi	Gift	Intercollegiate Athletics, Scholarships
Paul W. Lohmann Estate	Gift	Law School
Robert P. Sands and Sally Glassberg Sands	Pledge	College of Liberal Arts
Anonymous	Gift	College of Veterinary Medicine
Donald H. Nelson	Gift	School of Dentistry
Esselen Charitable Cystic Fibrosis Fund-St. Paul Fdn.	Gift	Medical School
John Graham	Gift	Intercollegiate Athletics
Justin and Jennifer Hall	Pledge	Academic Health Center
Karin L. Moe	Gift	Carlson School of Management
Marvin E. Bauer	Pledge	College of Education and Human Development, College of Food, Agricultural and Natural Resource Sciences, University of Minnesota Extension
Starkey Hearing Fdn.	Gift	Medical School

**\$50,000 - \$100,000**

Schwan's Corporate Giving Fdn.	Gift	Intercollegiate Athletics, Carlson School of Management, College of Food, Agricultural and Natural Resource Sciences
David S. Doty	Pledge	Law School
Donald E. Jacobson Estate	Gift	Scholarships
Robert H. Wilder Jr.	Gift	College of Veterinary Medicine
Karl Potach Fdn.	Gift	Hormel Institute
Roger J. Harmon Estate	Gift	College of Veterinary Medicine
Room and Board Fdn.	Gift	College of Veterinary Medicine
Seagate Technology LLC	Pledge	College of Liberal Arts
Penny and Steven Sanderson Fund-Minneapolis Fdn.	Gift	Intercollegiate Athletics
AB Agri Limited	Gift	College of Food, Agricultural and Natural Resource Sciences
George B. Chesley	Gift	College of Science and Engineering
Anonymous	Gift	Medical School
Cargill Inc.	Gift	College of Science and Engineering
Stanley J. Shanowski Estate	Gift	Medical School
Rockefeller Philanthropy Advisors Inc.	Gift	Medical School
Michael Connly and Nancy Wagner	Gift	Carlson School of Management, College of Science and Engineering
Microsoft Corp.	Gift	College of Science and Engineering
Becton Dickinson and Co.	Gift	College of Science and Engineering

**\$50,000 - \$100,000**

Deborah R. Olson	Gift	Intercollegiate Athletics, Minnesota Landscape Arboretum
Peter and Diane Donnino Fund-Fidelity Charitable Gift Fund	Gift	Intercollegiate Athletics
PPG Industries Inc.	Gift	College of Science and Engineering
Robert D. Potts	Gift	College of Education and Human Development
Starkey Hearing Technologies Inc.	Gift	Medical School
Wagner/Carlblom Family Fund-Seattle Fdn.	Gift	College of Food, Agricultural and Natural Resource Sciences
Young America Corp.	Gift	Carlson School of Management
Youthprise	Gift	University of Minnesota Extension

**\$25,000 - \$50,000**

Wells Fargo Wealth Management	Gift	Intercollegiate Athletics
University of Minnesota Women's Club	Gift	Scholarships
Helen S. Henton Trust	Gift	Unrestricted
Anonymous	Gift	College of Science and Engineering
Bruce and Joan Richard Family Fund-Morgan Stanley	Gift	Carlson School of Management, College of Science and Engineering
Mildred V. Giordano Estate	Gift	Medical School
The McKnight Fdn.	Gift	University of Minnesota Morris
Berger Transfer and Storage Inc.	Gift	Intercollegiate Athletics
Hope in Grace	Gift	Medical School, Academic Health Center
Quali Tech Inc.	Gift	College of Food, Agricultural and Natural Resource Sciences
Anonymous	Gift	College of Food, Agricultural and Natural Resource Sciences
Guy Grove Family Fdn.	Gift	Academic Health Center
C N A Consulting Engineers	Gift	College of Science and Engineering
Land O'Lakes Inc.	Gift	College of Food, Agricultural and Natural Resource Sciences, 4H Foundation
Olga B. Hart Education Fdn.	Gift	Intercollegiate Athletics
Lowell A. Weber Estate	Gift	Academic Health Center, Medical School
Biosense Webster Inc.	Gift	Medical School
Boehringer Ingelheim Pharmaceuticals Inc.	Gift	College of Pharmacy
Minnesota Deer Hunters Assn.	Gift	College of Food, Agricultural and Natural Resource Sciences
Paul Crowell and Alexandra Stillman	Gift	College of Science and Engineering

**\$25,000 - \$50,000**

John and Joyce Miklausich	Gift	University of Minnesota Duluth
Alport Syndrome Fdn. Inc.	Gift	Medical School
CHS Inc.	Gift	College of Food, Agricultural and Natural Resource Sciences
Ecolab Inc.	Gift	College of Science and Engineering
Joseph P. Matula	Pledge	College of Science and Engineering
Kathleen Gjerdingen Ehrhardt	Pledge	University of Minnesota Morris
Mary E. Wilkosz	Pledge	College of Education and Human Development
Renewable Fuels Assn. Fdn.	Pledge	College of Food, Agricultural and Natural Resource Sciences

**\$10,000 - \$25,000**

Osmose	Gift	College of Science and Engineering
Phillips 66 Co.	Gift	College of Science and Engineering
Shannon M. Carson	Gift	School of Dentistry
Abbott	Gift	College of Science and Engineering
Daniel J. Haggerty	Gift	Minnesota Landscape Arboretum
Mabel L. Thompson Estate	Gift	College of Liberal Arts
MN Golf Course Superintendents Assn. Inc.	Gift	College of Food, Agricultural and Natural Resource Sciences
Robert and Gail Buuck	Gift	Disability Services
American Bar Association	Gift	Undesignated
Bridget M. Sperl and John B. McCormick	Gift	Medical School
U S Bank	Gift	Carlson School of Management
ExxonMobil Fdn.	Pledge	College of Science and Engineering
Max Kade Fdn. Inc.	Gift	College of Liberal Arts
West Central Inc.	Gift	College of Food, Agricultural and Natural Resource Sciences
Arnold S. Leonard Cancer Research Fund	Gift	Medical School
Anchor Bank	Gift	Intercollegiate Athletics
AgriBank FCB	Gift	College of Food, Agricultural and Natural Resource Sciences
Donaldson Co. Inc.	Gift	College of Science and Engineering
Gary L. and Marcia L. Doty	Gift	University of Minnesota Duluth
Ingersoll-Rand Co.	Gift	Carlson School of Management
Marjorie and Dwight Peterson Fund-St. Paul Fdn.	Gift	Carlson School of Management
Medtronic Inc.	Gift	Medical School
Open Philanthropic Project Fund-Silicon Valley Comm. Fdn.	Gift	School of Public Health
Russell G Solheim Estate	Gift	College of Science and Engineering

**\$10,000 - \$25,000**

Teambackers	Gift	University of Minnesota Crookston
McCauley-Brown Endowment Fund	Gift	Academic Health Center
Ifeeder	Gift	College of Food, Agricultural and Natural Resource Sciences
Nancy E. and John E. Lindahl	Gift	Unrestricted
Repesh Family Fund-Minnesota Community Fdn.	Gift	Medical School
Ronald W. Stevens	Gift	4H Foundation
Leon D. Birnberg Estate	Gift	Medical School
Dan McDonald Fund-Fidelity Charitable	Gift	College of Science and Engineering
Ford Motor Co.	Gift	College of Science and Engineering, Carlson School of Management
IBM International Fdn.	Pledge	Various Colleges
Agrium US Inc.	Gift	College of Food, Agricultural and Natural Resource Sciences
Westwood Professional Services Inc.	Gift	College of Science and Engineering
Hennepin Theatre Trust	Gift	University of Minnesota Duluth
Carlos P. Avery	Gift	College of Science and Engineering
Tamara J. Slobodkin	Gift	Libraries
Steven G. Anderson and Debra A. Schneider	Gift	Scholarships
Andrew and Kathleen Cecere	Gift	Carlson School of Management
Bruce J. Bart	Gift	Weisman Art Museum
C H Robinson Worldwide Inc.	Gift	College of Science and Engineering
Dennis and Carol Anderson	Gift	Medical School
Diane K. and Thomas P. Lentz	Gift	Intercollegiate Athletics
Environmental Engineers of the Future Inc.	Gift	College of Science and Engineering
Ernst and Young Fdn.	Pledge	Carlson School of Management
James H. House	Gift	Medical School
Jeremiah J. and Karla M. Konz	Pledge	University of Minnesota Morris
Judith H. and Robert L. Duffy Fund-Fidelity Charitable	Gift	Carlson School of Management
Martha and Donald Farley Family Fund	Gift	Student Parent HELP Center
Neugent Family Charitable Fund-Fidelity Charitable	Gift	Carlson School of Management
Peter and Patricia Torvik	Gift	College of Science and Engineering
Robert K. Eddy	Gift	Intercollegiate Athletics
Susan Engeleiter	Gift	Academic Health Center
The Glenn and Tami Stolt Charitable Fund	Gift	Intercollegiate Athletics
Wells Fargo Bank NA	Gift	University of Minnesota Duluth

**\$5,000 - \$10,000**

3M Co.	Gift	College of Food, Agricultural and Natural Resource Sciences
Arvid Olson Estate	Gift	Medical School
Regis Fdn. for Breast Cancer Research	Gift	Academic Health Center
Scott D. Augustine	Gift	Intercollegiate Athletics
Ryan Colich	Gift	Intercollegiate Athletics
Syvilla M. Turbis Estate	Gift	Academic Health Center, Medical School
Erwin L. Weber Trust	Gift	Scholarships
Anonymous	Gift	College of Education and Human Development
Charles F. Wisner Revocable Trust	Gift	Medical School
Miller Entertainment and Events	Gift	Medical School
Center for Computer-Assisted Legal Instruction	Gift	Law School
AQUA-AID Inc.	Gift	University of Minnesota Extension
Gerontological Society of America	Gift	School of Dentistry
Henderson Charity Account Fund-Vanguard Charitable	Gift	Carlson School of Management
Midwest Dairy Assn.	Gift	College of Food, Agricultural and Natural Resource Sciences
Saint-Gobain Corp.	Gift	College of Science and Engineering
Frank J. Vineyard Estate	Gift	Academic Health Center
Advanced Circulatory Systems Inc.	Gift	Medical School
Sofia M. and Jan J. Laskowski	Gift	College of Science and Engineering
Donald M. Nicholson and Lesly M. Harder	Gift	Carlson School of Management
Erik R. Shirley	Gift	Intercollegiate Athletics
Mary P. Kenny	Gift	Medical School
Pioneer Hi-Bred International Inc.	Gift	College of Food, Agricultural and Natural Resource Sciences
Shah Corp.	Gift	Intercollegiate Athletics
Stryker Orthopaedics	Gift	Medical School
Community Health Charities Minnesota	Gift	Academic Health Center
John S. Anderson	Gift	Intercollegiate Athletics
James H. and Mary B. Hammill	Gift	Various Colleges
Lola Red PR	Gift	Academic Health Center
Anonymous	Gift	College of Veterinary Medicine
Augusta Corporate Events LLC	Gift	Intercollegiate Athletics
Ayse O. Imrohorglu	Gift	College of Liberal Arts
Barbara Glick	Gift	University of Minnesota Duluth
Boston Scientific Corp.	Gift	Medical School
David and Valerie Pace	Gift	4H Foundation

**\$5,000 - \$10,000**

Dirk Krueger	Gift	College of Liberal Arts
Dorsey and Whitney LLP	Gift	College of Science and Engineering
Dwight W. and Georgia E. Day	Gift	University of Minnesota Crookston
Glen A. Taylor	Gift	Humphrey School of Public Affairs
GREYlong Corp.	Gift	College of Veterinary Medicine
Hubbard Broadcasting Inc.	Gift	Humphrey School of Public Affairs
Jeanne L. Schleh	Gift	Scholarships
Jessica Stoe	Gift	College of Design
John F. and Dorothy H. Magee Fdn.	Gift	College of Science and Engineering
Julie E. Oswald Family Trust-Fidelity Charitable	Gift	College of Education and Human Development
Karen E. Hawley and Charlaine E. Tolkien	Pledge	Intercollegiate Athletics
Lamarche Creek Fdn.	Gift	University of Minnesota Duluth
Mary and Jim Frey	Gift	Academic Health Center
Mary L. Devlin	Gift	College of Liberal Arts
Michael Foods Inc.	Gift	Carlson School of Management
Minnesota Corn Growers Assn.	Gift	College of Science and Engineering
Minnesota Wild Hockey Club LP	Gift	Academic Health Center
Myosik Hong Park	Gift	College of Science and Engineering
Neil J. VanSloun	Gift	Minnesota Landscape Arboretum
Resynergi Inc.	Gift	College of Food, Agricultural and Natural Resource Sciences
Richard J. and Elizabeth B. Kleber	Gift	Medical School
Rob and Carolyn Goedken Fund-Vanguard Charitable	Gift	Law School
Rodolfo E. Manuelli	Gift	College of Liberal Arts
The Russell Group Inc.	Gift	Humphrey School of Public Affairs
Tianshu Chu	Gift	College of Liberal Arts
Timothy B. Blodgett	Gift	Humphrey School of Public Affairs
Timothy Dove	Gift	Medical School
Voigt O. Lenmark Jr.	Gift	Northrop



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**October 13, 2017**

**AGENDA ITEM:** Intersections Between Strategic Plans Throughout the System

**Review**                       **Review + Action**                       **Action**                       **Discussion**

*This is a report required by Board policy.*

**PRESENTERS:** President Eric W. Kaler

### **PURPOSE & KEY POINTS**

The purpose of this item is to lead a level-setting discussion on system-wide strategic planning. A Board priority this year is the completion of a system-wide strategic plan that incorporates an academic program investment strategy and a long-term financial framework. Key points of the discussion will include:

#### **Intersecting Themes**

- System-Wide Strategic Framework
- Existing Strategic Plans on Each Campus
- Additional Existing Strategic Plans in Key Units

#### **Current Charge & Consultation – Focus Areas**

- Teaching & Learning
- Research & Discovery
- Outreach & Public Service
- Medicine & Health
- Supporting the Mission

#### **Planning Timeline**

In June 2017, the Board approved the University of Minnesota System-Wide Strategic Plan Framework (framework). The first phase of planning focused on better connecting, leveraging, and aligning distinct campus strengths to meet the needs of students, faculty, staff, and stakeholders, and to promote diversity and inclusive excellence in all aspects of the University’s operations.

The next phase of planning will include setting system priorities in the five focus areas that align with the institutional mission and the framework. As part of this next phase, the president has appointed a Strategic Planning Oversight Committee, comprised of members of his senior leadership team, with tasks and responsibilities in each of the five focus areas. The committee will utilize a robust consultative process and engage with governance groups and structures, including faculty, staff, and students from across the system.

## **BACKGROUND INFORMATION**

The system-wide strategic planning process formally launched in fall 2016 and included visits to each of the system campuses, where facilitators held discussions with students, faculty, staff, and leaders. Additionally, the co-chairs met with members of Extension, the College of Continuing Education, Research and Outreach Centers, Public Engagement Council, external stakeholders, and staff and faculty governance bodies.

At its September 2017 meeting, the Board discussed the system-wide strategic planning process, five focus areas, and tentative timeline. This work builds on the framework that was approved at the June 2017 meeting. The Board received an update on the planning process at its March 2017 meeting, and participated in a work session on system-wide themes in December 2016. The Board also received an overview of the system-wide strategic planning process in October 2016, and heard about system-wide planning efforts at the system campuses at four meetings between March and July 2016.

# System-Wide Strategic Planning: Moving Forward

The Level Set  
All we've done  
Where we're headed

President Eric W. Kaler  
October 13, 2017

**FIVE STRONG CAMPUSES.  
ONE STRONG STATE.**



# Today

- ✓ Review strategic plans across the system
- ✓ Identify common themes
- ✓ Detail work to be done
- ✓ Identify stakeholders to be consulted
- ✓ Suggest timetable for discussion and decisions





## **Building Our Collective Future**

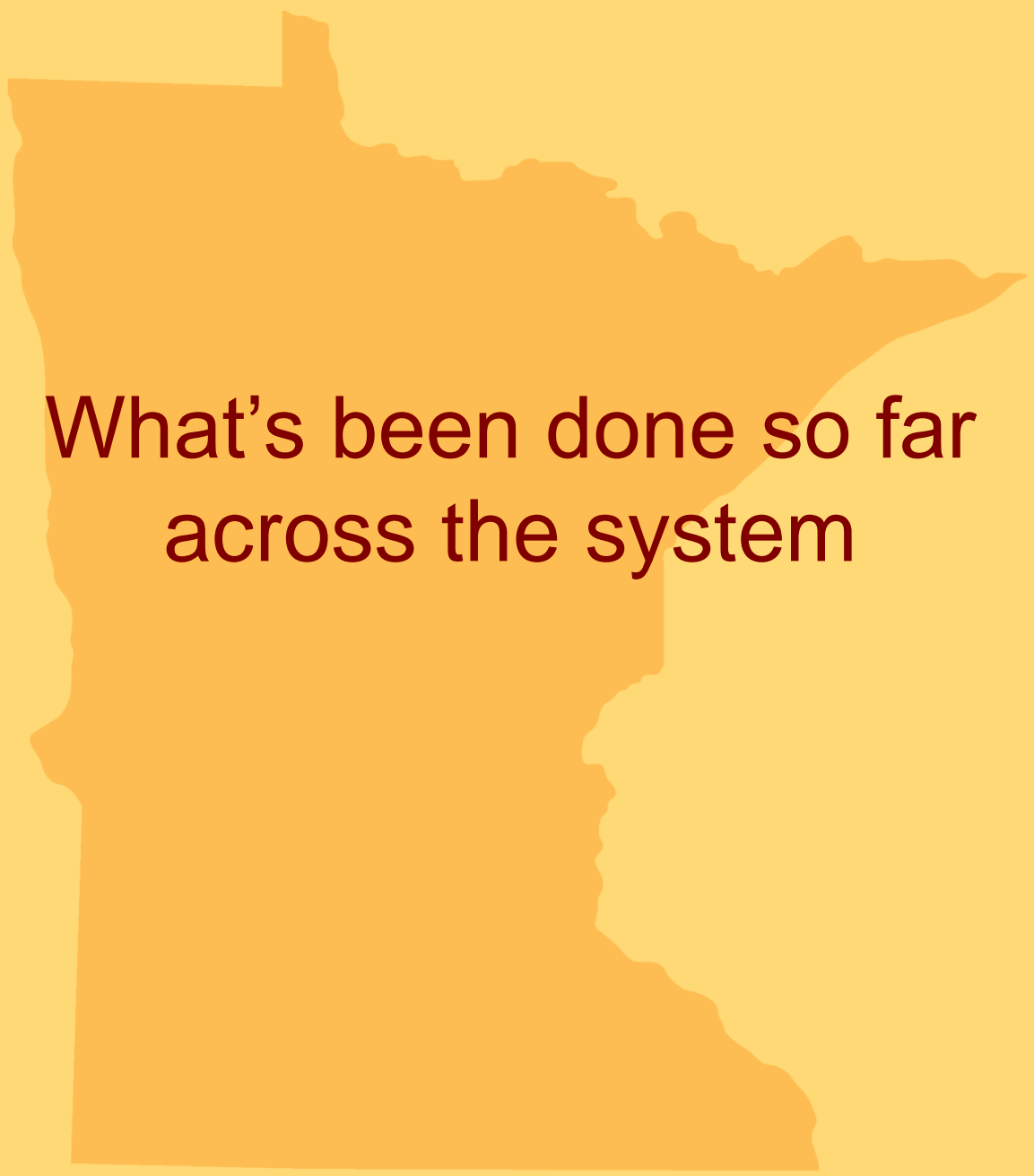
# **University of Minnesota System-Wide Strategic Framework**

June 9, 2017

# Building Our Collective Future

- ✓ Identified high-impact changes
- ✓ Advanced our land-grant mission by affirming our commitment to serve communities throughout Minnesota
- ✓ Demonstrated how connections among and between units can help U become more than the sum of its parts
- ✓ Clarified roles of those who have system-wide responsibilities





What's been done so far  
across the system



# Crookston: Strengths

- ✓ Provides a strong focus on high-quality online education
- ✓ Regional hub for Northwest Minnesota's undergraduates
- ✓ Serves Greater MN with the Center for Rural Entrepreneurial Studies.



# Crookston: Planning

- ✓ Engages in a continuous cycle of strategic planning that enables it to keep its strategic priorities fresh
- ✓ Currently refreshing its mission, vision, and values statements



# Duluth: Strengths

- ✓ System's only campus with land and sea grant traditions
- ✓ Commitment to Northeast Minnesota community engagement, including indigenous populations
- ✓ Provides practical and impactful research with a focus on natural resources and the environment



# Duluth: Planning

- ✓ Began effort to refresh 2011 strategic plan in 2016-17
- ✓ Anticipate revisions and updates to be completed by end of Fall 2017



# Morris: Strengths

- ✓ Unique history as a Native American boarding school, which informs its current student demographics
- ✓ Distinctive national identity as one of 30 Council of Public Liberal Arts Colleges
- ✓ Core focus on experiential learning and sustainability



# Morris: Planning

- ✓ Last strategic plan created in 2006, with some incremental updates since then
- ✓ Began a visioning and planning process in Fall 2017
- ✓ 18-month process anticipated



# Rochester: Strengths

- ✓ Academic focus of health sciences fits workforce demands of Southeastern Minnesota
- ✓ Campus designed for ongoing educational innovation
- ✓ Especially strong success rate for students of color



# Rochester: Planning

- ✓ In third and final year of its process after developing a framework and identifying priorities
- ✓ Tactical groups will add specific goals to each of the strategic priorities in 2017-18



# Twin Cities: Strengths

- ✓ Comprehensive metropolitan campus that is research-focused and globally engaged
- ✓ Top Ten for research activity among all U.S. public research universities
- ✓ Offers 149 undergraduate degree programs



# Twin Cities: Planning

- ✓ Strategic plan, “Driving Tomorrow,” was adopted by the Board in Fall 2014
- ✓ 10-year plan recognizes special opportunities and responsibilities UMTC can bring to bear on “Grand Challenges” of diverse world



# Among other plans

- ✓ OVPR
- ✓ Libraries
- ✓ Public Engagement
- ✓ Graduate Education





# Common themes



**Collaborate Opportunities Retain**  
**Reciprocal Postdoctoral Optimization**  
**Excellence Breadth**  
**Scholarship Enrollment**  
**Inclusion Faculty Transfer Knowledge**  
**Diversity Researchers Education**  
**Efficient Diverse Graduate**  
**Promote Research Learning Minnesota**  
**Global Impact Teaching Cultural**  
**Quality Stewards Equity**  
**Financial Water Value International**  
**Engagement Citizenship Community**  
**Partnerships Challenges Recruit**





# Moving Forward



# Teaching & Learning

Led by Provost Karen Hanson

## The charge

- ✓ Aggregate campus and collegiate data
- ✓ Identify the University of Minnesota system's distinct role
- ✓ Identify strategies for improving access and retention
- ✓ Complete a system-wide framework for online learning
- ✓ Determine how to align and incorporate related work already underway



# Teaching & Learning

Led by Provost Karen Hanson

## The consultation

- ✓ Faculty Consultative Committee
- ✓ University and Student Senate
- ✓ Council on Liberal Education
- ✓ Minnesota Office of Higher Education
- ✓ Minnesota State System
- ✓ Minnesota Private College Council
- ✓ Students system-wide



# Medicine & Health

Led by VP and Dean Brooks Jackson

## The charge

- ✓ Provide a plan for progress toward an academic health system
- ✓ Review resources and infrastructure needed to enhance Medical School's prestige
- ✓ Review opportunities for alignment of AHC's strategic priorities with those of the State of Minnesota
- ✓ Review the structure of the AHC keeping in mind opportunities in interdisciplinary research and interprofessional education.



# Medicine & Health

Led by VP and Dean Brooks Jackson

## The consultation

- ✓ AHC Deans Council
- ✓ AHC Faculty Consultative Committee
- ✓ Medical School department heads
- ✓ Medical School Faculty Advisory Committee
- ✓ AHC associate deans for research
- ✓ AHC associate deans for education
- ✓ Students system-wide



# Research & Discovery

Led by VP Al Levine

## The charge

- ✓ Review internal research and entrepreneurial funding practices
- ✓ Examine research talent recruitment/retention practices system-wide
- ✓ Review technology commercialization and economic development efforts system-wide for impact on regional and statewide needs
- ✓ Review the role of interdisciplinary research centers and institutes and recommend improvements that could broaden system-wide impact



# Research & Discovery

Led by VP Al Levine

## The consultation

- ✓ Chancellors
- ✓ System-wide campus deans
- ✓ System-wide research associate deans
- ✓ Faculty Consultative Committee
- ✓ Senate Research Committee
- ✓ Extension Research and Outreach Center leaders
- ✓ Senior research administrative and compliance leaders
- ✓ Students system-wide



# Outreach & Public Service

Led by VP Matt Kramer

## The charge

- ✓ Examine the University's outreach and public engagement efforts
- ✓ Assess how we engage with key economic sectors in Minnesota such as agriculture, food, medical technology and water
- ✓ Examine the challenges and opportunities of community, regional and affinity partners statewide
- ✓ Determine how to align and incorporate related work already underway, including system-wide communications



# Outreach & Public Service

Led by VP Matt Kramer

## The consultation

- ✓ Governor
- ✓ Legislative leaders and members of the Legislature who represent constituents in our campus areas
- ✓ Chancellors
- ✓ Campus communications directors
- ✓ University of Minnesota Extension
- ✓ University of Minnesota Research and Outreach Centers
- ✓ University of Minnesota Office of Public Engagement



# Supporting the Mission

Led by Senior VP Brian Burnett

## The charge

- ✓ Lead development of a biennial budget request that aligns with and reflects the priorities of the other focus areas
- ✓ Lead conversations necessary to identify how we align budget lines with our system-wide strategic priorities



# Supporting the Mission

Led by Senior VP Brian Burnett

## The consultation

- ✓ Guidance from and close collaboration with SPOC leadership.
- ✓ A robust consultative process, mindful of aggressive timeline and using existing governance groups and structures
- ✓ Engage with students system-wide





# Moving Forward





# Discussion





# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**October 13, 2017**

**AGENDA ITEM:** Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*

Review                       Review + Action                       Action                       Discussion

This is a report required by Board policy.

**PRESENTERS:** Tina Marisam, EOAA Director and Title IX Coordinator  
Brian Slovut, Deputy General Counsel

## **PURPOSE & KEY POINTS**

At its June 2017 meeting, the Board reviewed draft versions of Board and Administrative policies related to sexual misconduct. The purpose of this item is to seek Board approval for the following:

1. Adoption of Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence* as presented to the Board on October 13, 2017, with an effective date of January 1, 2018; and
2. Adoption of modifications to Board of Regents Policy: *Student Conduct Code* to align with the above policy, as articulated in this docket item summary, with an effective date of January 1, 2018.

In addition, the Board will review Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*.

## **Proposed Modifications to the *Student Conduct Code***

1. Modify Section IV, Subd. 8 to align with Board of Regents and Administrative Policies: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*
  - Current language, 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 the following behaviors: sexual assault, relationship violence, stalking, and sexual or gender-based harassment.
  - Proposed language, Subd. 8 Sexual Harassment, Sexual Assault, Stalking and Relationship Violence:  
These disciplinary offenses are defined in the Board of Regents Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence and the related administrative policy.

2. Remove the term “stalking” from Section IV, Subd. 6 to eliminate duplication with Section IV, Subd. 8.
  - Current language, 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.
  - Proposed language, 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, harassing, intimidating, or assaulting behavior.
3. Add Section III, Subd. 8 to define “assists or abets.”
  - Current language, Section IV introduction:  
Any student or student group 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.
  - Proposed language, addition of Section III, Subd. 8:  
Assists or abets. A student or student group assists or abets prohibited conduct when the student or student group: (a) helps any other person engage in misconduct as defined by the Student Conduct Code; and (b) **intends the misconduct to occur or knows or reasonably should know** that their actions are significantly likely to help the other person to engage in the **preceding** misconduct.

## BACKGROUND INFORMATION

The proposed Board policy was developed to ensure that the Board sets the policy framework to guide University activity in this area, and defines terms related to sexual misconduct that are used in the *Student Conduct Code*.

The administrative policy was developed following a resolution agreement with the U.S. Department of Education Office for Civil Rights. The University agreed to develop a single policy to address sexual misconduct and to provide detailed information about resources and processes to that policy.

The following University stakeholders have been consulted in the development of these policies:

President’s Cabinet	University Senate	Clery Coordinator
Senate Consultative Committee	University Police Department	The Aurora Center
P&A Consultative Committee	Office of the General Counsel	Housing and Residential Life
Equity, Access and Diversity Committee	System Title IX & Human Resources staff	Student Conduct and Academic Integrity
Office of Fraternity and Sorority Life	Student Conflict Resolution Center	Office for Student Affairs
Minnesota Student Association	EOAA Liaisons	Department of Athletics

President's Senior Leader Group	Council of Graduate Students	Global Programs and Strategy
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## **PRESIDENT'S RECOMMENDATION**

The President recommends approval of the following:

1. Adoption of Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence* as presented to the Board on October 13, 2017, with an effective date of January 1, 2018; and
2. Adoption of modifications to Board of Regents Policy: *Student Conduct Code* to align with the above policy, as articulated in this docket item summary, with an effective date of January 1, 2018.



UNIVERSITY OF MINNESOTA

# BOARD OF REGENTS POLICY

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Human Resources

## SEXUAL HARASSMENT, SEXUAL ASSAULT, STALKING AND RELATIONSHIP VIOLENCE

Adopted: TBD

Supersedes: (see end of policy)

## SEXUAL HARASSMENT, SEXUAL ASSAULT, STALKING AND RELATIONSHIP VIOLENCE

### SECTION I. SCOPE.

This policy governs the University of Minnesota's (University) commitment to preventing and addressing sexual harassment, sexual assault, stalking, relationship violence and related retaliation ("prohibited conduct").

### SECTION II. DEFINITIONS.

**Subd. 1. Prohibited Conduct.** *Prohibited conduct* shall mean sexual harassment, sexual assault, stalking, relationship violence and related retaliation.

**Subd. 2. Sexual Harassment.** *Sexual harassment* shall mean unwelcome conduct of a sexual nature under either of the following conditions:

- (a) When it is stated or implied that an individual needs to submit to, or participate in, conduct of a sexual nature in order to maintain their employment or educational standing or advance in their employment or education (quid pro quo sexual harassment).
- (b) When the conduct: (1) is severe, persistent or pervasive; and (2) unreasonably interferes with an individual's employment or educational performance or creates a work or educational environment that the individual finds, and a reasonable person would find, to be intimidating, hostile or offensive (hostile environment sexual harassment).

**Subd. 3. Sexual Assault.** *Sexual assault* shall mean: (1) actual or attempted sexual contact without affirmative consent; or (2) a threat to engage in contact that would be, if the threat were carried out, sexual contact without affirmative consent.

- (a) *Sexual contact* is intentional sexual touching with an object or body part. Depending on the context, it may include, but is not limited to: (1) intentionally touching the breasts, buttocks, groin or genitals of another individual; (2) intentionally touching another individual with any of these body parts; and (3) making an individual touch another individual or themselves with, or on, any of these body parts. Sexual contact can occur whether or not an individual's body parts are covered by clothing.
- (b) *Affirmative consent* is freely and affirmatively communicated words or actions given by an informed individual that a sober reasonable person under the circumstances would believe communicate a willingness to participate in the sexual contact.

**Subd. 4. Relationship Violence.** *Relationship violence* shall mean actual, attempted or threatened violence by an individual who is, or has been, in a spousal, sexual, or romantic relationship with the individual receiving the actual, attempted or threatened violence.



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 2 of 3

Human Resources

### SEXUAL HARASSMENT, SEXUAL ASSAULT, STALKING AND RELATIONSHIP VIOLENCE

Adopted: TBD

Supersedes: (see end of policy)

**Subd. 5. Stalking.** *Stalking* shall mean a course of conduct directed at a specific individual that is unwelcome and that would cause a reasonable person to: (1) feel fear for their safety or the safety of others; or (2) experience substantial emotional distress. A course of conduct is multiple acts including, but not limited to, acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another individual, or interferes with another individual's property.

**Subd. 6. Retaliation.** *Retaliation* shall mean taking an adverse action against an individual because of the individual's good faith participation in:

- (a) reporting suspected or alleged prohibited conduct;
- (b) expressing opposition to suspected or alleged prohibited conduct;
- (c) participating in an investigation related to a prohibited conduct allegation; or
- (d) accessing the Office for Conflict Resolution (OCR) to resolve a conflict related to prohibited conduct.

To demonstrate that retaliation has occurred, an individual must show that a causal relationship exists between the individual's actions in (a) through (d) above and the adverse action.

**Subd. 7. Member of the University Community.** *Member of the University community* shall mean any:

- (a) University student;
- (b) University employee; or
- (c) third party who is engaged in any University activity or program, or who is otherwise interacting with the University, including, but not limited to, volunteers, contractors, vendors, visitors and guests.

### **SECTION III. GUIDING PRINCIPLES.**

The following principles shall guide the University's commitment to preventing and addressing prohibited conduct:

- (a) Consistent with its academic mission and standards, the University is committed to achieving excellence by working to create an educational, employment and residential living environment that is free from prohibited conduct.
- (b) The University is committed to preventing and addressing prohibited conduct through education and prompt, thorough and procedurally fair investigative procedures.
- (c) As a community of faculty, staff and students engaged in research, scholarship, artistic activity, teaching and learning, and activities that support them, the University seeks to foster an environment that is equitable, humane and responsible and where all are treated with dignity and respect.

### **SECTION IV. IMPLEMENTATION.**

The University shall:



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

Page 3 of 3

Human Resources

**SEXUAL HARASSMENT, SEXUAL  
ASSAULT, STALKING AND  
RELATIONSHIP VIOLENCE**

Adopted: TBD

Supersedes: (see end of policy)

- (a) prohibit members of the University community from engaging in, or assisting or abetting another's engagement in, prohibited conduct;
- (b) require employees to take timely and appropriate action when they know or should know that prohibited conduct is occurring or has occurred;
- (c) adopt procedures on each campus for investigating and resolving complaints of prohibited conduct in coordination with either the director of the Office of Equal Opportunity and Affirmative Action or, with regard to stalking of a non-sexual nature, the director of the office for investigation of non-sexual *Student Conduct Code* complaints or the campus human resources department;
- (d) adopt procedures on each campus for providing training on prohibited conduct to all members of the University community; and
- (e) address violations of this policy through disciplinary or other responsive action up to and including termination of employment or academic dismissal.

**SECTION V. MONITORING.**

The president or delegate shall address complaints of prohibited conduct consistent with this policy and law and remedy any practice that deviates from this policy.



ADMINISTRATIVE POLICY

# Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

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**Senior Leader:** VP for Equity and Diversity

**Responsible University Officer:** VP for Equity and Diversity

**Policy Owner:** Director of Equal Opportunity Affirmative Action

**Policy Contact:** Tina Marisam

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## POLICY STATEMENT

The University of Minnesota (the “University”) is committed to taking prompt and effective steps intended to end sexual harassment, sexual assault, stalking, relationship violence and related retaliation, prevent their recurrence and, as appropriate, remedy their effects. This policy outlines the University’s definitions and policies related to these types of misconduct. This policy applies to University members, who include:

- University students, whether enrolled full time or part time, for credit or non-credit courses;
- University employees as defined in this policy; and
- third parties who are engaged in any University activity or program, or who are otherwise interacting with the University, including, but not limited to, volunteers, contractors, vendors, visitors and guests.

This policy applies to acts of sexual harassment, sexual assault, stalking, relationship violence and related retaliation committed by or against students, employees, and third parties when:

- the conduct occurs on University property;
- the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, on-line or internship programs or activities;
- the conduct occurs off University property and outside the context of a University employment or education program or activity, but has a continuing adverse effect on or creates a hostile environment for students, employees, or third parties while on University property or in any University employment or education program or activity; or
- the conduct indicates that the respondent may present a danger or threat to the health or safety of University members.

To the extent any provision of this policy conflicts with the Board of Regents Policy: [Sexual Harassment, Sexual Assault, Stalking and Relationship Violence](#), the Board policy controls. To the extent any provision of this policy conflicts with any other University policy, this policy controls. Nothing in this policy should be interpreted to abridge academic freedom or principles of free speech.

## I. PROHIBITION

All University members are prohibited from engaging in, or assisting or abetting another's engagement in, sexual assault, sexual harassment, relationship violence, stalking and related retaliation (collectively "prohibited conduct").

## **II. REPORTING AND OTHER OBLIGATIONS RELATED TO PROHIBITED CONDUCT**

In order to foster an environment free of prohibited conduct, all University members are encouraged to take reasonable and prudent actions to prevent, stop and report all acts of prohibited conduct. In addition, University members have the following reporting and other obligations related to prohibited conduct. For additional information about University employees' obligation to report prohibited conduct, please see FAQ: *Employees' Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office*. Note: Student employees must comply with the reporting requirements for employees described below.

### **A. REPORTING OF PROHIBITED CONDUCT DIRECTED AT STUDENTS**

University employees must promptly contact the campus Title IX office when they learn, in the course of performing their employment duties, about any form of prohibited conduct directed at students that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current student while they were affiliated with the University; or
- been committed by a current University member while they were affiliated with the University.

### **B. REPORTING OF PROHIBITED CONDUCT DIRECTED AT EMPLOYEES OR THIRD PARTIES**

University employees must promptly contact the campus Title IX office when they learn, in the course of performing their employment duties, about any sexual assault, stalking or relationship violence directed at University employees or third parties that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current University employee or third party while they were affiliated with the University; or
- been committed by a current University member while they were affiliated with the University.

University employees are not required to report to the campus Title IX office when they learn about sexual harassment directed at University employees or third parties. However, University employees should report such potentially sexually harassing conduct to their supervisors, Human Resources or the campus Title IX office.

### **C. INFORMATION THAT MUST BE REPORTED TO THE CAMPUS TITLE IX OFFICE**

University employees who learn about prohibited conduct are not required to solicit additional information about the prohibited conduct or the individuals involved. However, to the extent known to them, University employees who learn about prohibited conduct as set forth in A and B above must share the following information with the campus Title IX office:

- the names of the complainant(s), respondent(s) and possible witnesses;
- the date, time and location of the alleged prohibited conduct; and
- other relevant details about the alleged prohibited conduct that the University would need to determine what occurred and address the situation.

#### **D. CAMPUS TITLE IX OFFICE ACTION UPON RECEIVING A REPORT**

After receiving a report of prohibited conduct, the campus Title IX office or its designee will contact the complainant to provide resources for personal support and information about the investigation process. In cases involving a student respondent, the Title IX office or its designee will only begin investigating the report after receiving verbal or written confirmation that the complainant wishes to initiate an investigation, except in limited cases where campus safety is threatened as discussed further in Section IV.F.

In cases of alleged prohibited conduct involving an employee respondent, the Title IX office will generally consult with the respondent's supervisor and Human Resources to decide how best to respond to the report. In many cases, EOAA will address the report through an informal resolution process or formal investigation. In some cases, the supervisor or Human Resources will ultimately address the report through an informal resolution process or formal investigation.

#### **E. EMPLOYEES WHO ARE EXEMPT FROM THESE REPORTING REQUIREMENTS**

The following University employees are exempt from the requirement to report prohibited conduct to the campus Title IX office:

- counselors, psychologists and others with a professional license requiring confidentiality, and their supervisees, when they learn about prohibited conduct in the course of treating patients or facilitating the provision of medical services;
- health center employees when they learn about prohibited conduct in the course of treating patients or facilitating the provision of medical services, and other employees who are prohibited by HIPAA from fulfilling this reporting requirement;
- members of the University of Minnesota Police Department when they are restricted by law from disclosing this information; and
- victim-survivor advocacy office employees and volunteers when they learn about prohibited conduct in the course of their advocacy office work.

#### **F. SUPERVISOR OBLIGATIONS**

In addition to the above-described reporting obligations, supervisors must take prompt and appropriate action to address any concerns of prohibited conduct about which they know or reasonably should know. For additional information about supervisors' obligations to address prohibited conduct, please see FAQ: *Supervisor Obligations*.

### **III. ACCOMMODATIONS AND PROTECTIVE MEASURES**

The University will provide accommodations designed to promote the parties' safety, well-being and continued access to employment and educational programs and activities to the extent these accommodations are reasonably available and requested by one of the parties. These accommodations may be temporary or permanent. They are available regardless of whether a complainant makes a prohibited conduct report to the campus Title IX office or pursues an investigation under this policy. Possible accommodations include:

- residence modifications;

- academic modifications;
- support and counseling;
- work schedule or location modifications;
- assistance in making a report to law enforcement or obtaining a protective order; and
- transportation modifications.

As appropriate, the University will take protective measures pending the final outcome of a prohibited conduct investigation that are designed to protect the parties and other University members from future harm, including:

- no-contact directives that prohibit complainants and respondents from contacting one another;
- increased monitoring or supervision at locations or activities where the prohibited conduct occurred;
- in rare cases, interim disciplinary suspension of a student; and
- in rare cases, suspension or pre-disciplinary leave (with or without pay) of an employee from employment.

Parties can access these accommodations and protective measures by contacting the campus Title IX office or by contacting the departments or individuals with the ability to provide the requested accommodations, such as the campus housing and residential life office or the appropriate faculty member. The campus Title IX office staff are also available to meet with a complainant or respondent to address any concerns about the provision of accommodations or protective measures.

The University will determine which accommodations and protective measures to take depending on the facts of each case. For example, the University will consider the specific need expressed by the party, the severity or pervasiveness of the reported conduct, any continuing impact on the party and whether the complainant and the respondent share the same residence hall, classes, transportation or job location. The University will maintain the confidentiality of any accommodations or protective measures to the extent possible. For more information about accommodations and protective measures, see FAQ: *Investigations and Accommodations*.

## **IV. INVESTIGATIONS**

Campus Title IX office staff members or other appropriate and qualified University designees will promptly investigate or otherwise appropriately address all prohibited conduct reports. Reports of stalking of a non-sexual nature will be investigated or otherwise appropriately addressed by the campus office that investigates non-sexual *Student Conduct Code* complaints or the campus human resources department.

Campus Title IX office staff members or other appropriate and qualified University designees may incorporate investigations of related policy violations into their prohibited conduct investigations. For example, in addition to investigating whether a respondent violated this policy, these officials may also investigate whether a witness or party has engaged in falsification during an investigative interview or whether the alleged prohibited conduct violates other University policies related to prohibited conduct or the prohibited conduct investigation. Note: Amnesty is provided for certain drug and alcohol related offenses that come to light during a prohibited conduct investigation, as discussed in Section VI below.

The University's procedures for investigating and resolving incidents of prohibited conduct are based upon principles of fairness and respect for complainants and respondents. For more information about investigations, see FAQ: *Investigations and Accommodations*.

### **A. STANDARD OF PROOF**

The University applies the preponderance of the evidence standard when determining whether this policy has been violated. "Preponderance of the evidence" means that it is more likely than not that a policy violation has occurred.

## **B. EXPECTATIONS OF AND FOR COMPLAINANTS AND RESPONDENTS**

Complainants and respondents can expect the following in connection with reports submitted under this policy:

1. Prompt and equitable resolution of prohibited conduct reports.
2. Privacy in accordance with this policy and the law.
3. Notice of applicable support and advocacy resources.
4. Freedom from retaliation as defined in this policy.
5. The responsibility not to retaliate against any person as defined in this policy.
6. The responsibility to provide truthful information in connection with any report, investigation, proceeding or resolution under this policy.
7. The opportunity to express concerns about the proceedings or processes under this policy.
8. Timely notice of any meeting or proceeding at which the person's presence is contemplated by this policy.
9. Written notice to the respondent of the allegations constituting a potential violation of this policy, including sufficient details and with sufficient time to prepare a response before any initial interview.
10. The opportunity to offer information, submit evidence, and identify witnesses during an investigation.
11. Timely and equal access to information that will be used after the prohibited conduct investigation and during disciplinary meetings and hearings, where available.
12. Periodic updates on the status of the investigation and adjudication procedures.
13. An explanation if the timeline for completion of the investigation and adjudication procedures must be extended.
14. Proceedings that are conducted by officials who: (1) do not have a conflict of interest or bias for or against the complainant or respondent; (2) receive annual training on prohibited conduct and procedures for investigating prohibited conduct complaints that protect the safety of complainants and promote accountability; and (3) treat all participants with dignity.
15. The University will not require the parties to resolve prohibited conduct concerns directly with one another through mediation or other informal conflict resolution processes.

## **C. DUTY TO PARTICIPATE**

Complainants are not required to participate in prohibited conduct investigations. However, the University may be limited in its ability to respond to a prohibited conduct report without the complainant's participation. When requested, respondents are required to meet with the campus Title IX office or its designee without undue delay to, at a minimum, hear the allegations asserted against them. Respondents are not required to respond to these allegations. However, where a complainant or respondent refuses to provide relevant information in an investigation, the campus Title IX office or its designee will make a finding based only on the information available.

All other University members (except the employees designated in section II.E) are required to participate in prohibited conduct investigations so that the most complete information is available for the University to determine if prohibited conduct occurred. However, the Title IX Coordinator or a designee may excuse University members from this requirement in certain circumstances, such as where the University member is unlikely to provide significant relevant information or where participation would be particularly burdensome for that University member. This duty to participate does not apply to student participation in prohibited conduct hearings.

Individuals who, knowingly or intentionally, file a false report or provide false or misleading information in connection with an investigation may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an

individual makes a prohibited conduct report or participates in a prohibited conduct investigation in good faith, even if the report or information is not later substantiated.

#### **D. INITIAL ASSESSMENT**

When a campus Title IX office receives a report of prohibited conduct, it will promptly work with other appropriate University offices as necessary to complete an initial assessment of the report and any immediate health or safety concerns raised by the report, including the following tasks:

1. Assess whether the report identifies conduct that, if it occurred as described, would violate this policy;
2. Assess the nature and circumstances of the report, including whether it provides the names or other information that personally identifies the complainant, the respondent or any other person with knowledge of the reported incident;
3. When applicable, inform the complainant of the right to seek medical treatment and provide the complainant with written notification about the importance of preserving evidence that may assist in proving that the alleged offense occurred in a legal or campus disciplinary proceeding or may be helpful in obtaining a protective order;
4. When applicable, provide written information to the complainant about the right to contact law enforcement, decline to contact law enforcement, be assisted by campus authorities in contacting law enforcement and how to seek a protective order;
5. When applicable, refer the matter for review and recommendation by the University's Employee Threat Assessment Team (ETAT), the University's Behavioral Consultation Team (BCT) or other campus resource fulfilling this function;
6. Provide information about available resources to the parties, including, as appropriate, providing complainant students who are transferring to another post-secondary institution with information about resources for victims of prohibited conduct at the institution to which they are transferring;
7. Provide information to the parties about how to request accommodations or protective measures, such as changes to their academic, living, transportation and working situations;
8. Inform the parties about the University's prohibition against retaliation, and that the University will take prompt action in response to any act of retaliation; and
9. When applicable, communicate with appropriate University officials to determine whether the report triggers Clery Act obligations, including entry of the report in the daily crime log or issuance of a timely warning.

The campus Title IX office will ensure that the complainant receives a written explanation of applicable resources, and is offered the opportunity to discuss those resources. If the University undertakes an investigation or any other action under this policy that impacts a respondent, the campus Title IX office will ensure that the respondent is notified, receives a written explanation of applicable resources, and is offered the opportunity to meet to discuss those resources.

#### **E. ADVISOR PARTICIPATION**

This section applies to the Twin Cities campus only. For the other system campuses' policies on the extent to which complainants and respondents can designate advisors to attend and participate in meetings and hearings in the investigation and adjudication process, please see the resources listed in Section G below or contact the campus Title IX office.

1. Cases involving student respondents

Complainants and respondents may be accompanied to meetings and hearings in the investigation and adjudication process by two advisors of their choice. An advisor may be an attorney, union representative, advocate, support person or other individual. In limited circumstances, other individuals may be permitted to attend these meetings for good reason, such as to accommodate a disability.

2. Cases involving employee or third party respondents

Complainants and respondents in sexual assault, stalking and relationship violence cases may be accompanied to meetings in the investigation and adjudication process by an advisor of their choice. An advisor may be an attorney, union representative, advocate, support person or other individual.

Complainants and respondents in sexual harassment and retaliation cases may be accompanied to meetings in the investigation and adjudication process by one of the following advisors: an attorney, victim's support advocate or union representative.

In limited circumstances, other individuals may be permitted to attend these meetings for good reason, such as to accommodate a disability.

3. Additional information about advisor participation

To protect the integrity of the investigation and adjudication process, individuals who are witnesses with information about facts material to the underlying case may not serve as advisors. For more information about the responsibilities of advisors who attend meetings and hearings as allowed by this policy, please see Appendix A: *Roles and Responsibilities of Advisors*.

## F. INVESTIGATION PROCESS

Prohibited conduct investigations will be conducted by the campus Title IX office, or by another appropriate and qualified University designee. The nature and scope of an investigation will be determined based on the report and any additional information gathered during the investigation, and will typically include the following elements:

1. One or more interviews of the complainant, where the complainant will have the opportunity to describe the conduct giving rise to the report, provide evidence, and identify witnesses;
2. Written notice to the respondent of the allegations constituting a potential violation of this policy, including sufficient details and with sufficient time to prepare a response before any initial interview;
3. One or more interviews of the respondent, where the respondent will have the opportunity to respond to the allegations, provide evidence, and identify witnesses;
4. Witness interviews and gathering of other evidence; and
5. Review and analysis of the evidence.

The University aims to complete prohibited conduct investigations within 60 days. However, depending on the complexity of the investigation, the number of witnesses, the availability of evidence and other factors, some investigations may take more than 60 days.

When a complainant requests that their identity be kept confidential or that the University refrain from conducting an investigation, the campus Title IX office or its designee will make an individualized determination of whether to conduct an investigation including consideration of the complainant's wishes, the University's responsibility for providing a safe and non-discriminatory campus environment and whether the University possesses other means to obtain relevant evidence.

In particular, the campus Title IX office will consider the following factors, among others, to determine whether an allegation indicates that the respondent may present a danger or threat: whether the respondent is alleged to have used a weapon while committing prohibited conduct; whether the respondent is alleged to have used force while committing prohibited conduct; and whether the respondent has been alleged to have committed sexual assault, relationship violence or stalking against multiple complainants.

## G. POST-INVESTIGATORY PROCESSES

### 1. Cases where the respondent is a student

Upon completion of a prohibited conduct investigation, either the campus Title IX office or its designee will make an initial finding as to whether this policy was violated. The campus Title IX office or its designee will prepare an initial findings report that summarizes the prohibited conduct report, the information gathered during the investigation and the initial finding. The campus Title IX offices and their designees aim to complete these reports within 15 days of the completion of an investigation.

The complainant and respondent (the parties) will be given access to the initial findings report and, when applicable, to a written proposed informal resolution to the prohibited conduct report. Both parties will also receive written information about how to request a hearing. If both parties agree to the initial finding and proposed informal resolution, the University's process ends. A party who disagrees with the initial finding or proposed informal resolution may request a formal hearing before a panel of University staff, faculty and/or students. The party or parties that request a hearing may provide a rebuttal statement to the initial findings report and/or proposed informal resolution to the hearing panel prior to the hearing and decision of responsibility.

The University's hearing process is conducted in an impartial manner by impartial decision-makers. During the hearing process, complainants will not be required to appear in the same room with respondents. The parties will be given an equal opportunity to present evidence.

Both parties will receive written notice of the hearing panel's decision about whether this policy was violated and the sanctions that will be imposed, if any. Both parties will also receive written notice of their right to appeal the hearing panel's decision to an impartial appellate officer. In the case of an appeal, both parties are provided with the appellate officer's written decision.

Additional information about campus-specific hearing and appeals procedures is described here:

Crookston Campus – Hearings are held before members of the Student Conduct Committee in accordance with the [Campus Committee on Student Behavior Hearing Procedures](#). Appeals are adjudicated by the Vice Chancellor for Academic and Student Affairs.

Duluth Campus – Hearings are held before members of the Student Hearing Panel. Appeals are adjudicated by the UMD Student Appeals Panel. Hearings and appeals are conducted in accordance with the [Office of Student Conduct and Conflict Resolution Written Procedures](#)

Morris Campus – Hearings are held before members of the Student Behavior Committee. Appeals are heard by a panel of the Consultative Committee. Appeals are decided by the Chancellor or an appropriate designee. Hearings and appeals are conducted in accordance with the [Student Behavior Committee Hearing Procedures: Morris](#).

Twin Cities Campus – Hearings are held before members of the Student Sexual Misconduct Subcommittee (SSMS) in accordance with [SSMS Procedures](#). Appeals are adjudicated by the Executive Vice President and Provost or an appropriate designee in accordance with [Student Conduct Code Procedure: Twin Cities](#).

Rochester Campus – Hearings are held before members of the Committee on Student Conduct in accordance with the [Committee on Student Conduct Hearing Procedures](#). Appeals are heard by the Chancellor's Appeal Committee in accordance with the [Chancellor's Appeal Committee Procedures](#). Appeals are decided by the Chancellor.

## 2. Cases where the respondent is an employee or third party

At the close of a prohibited conduct investigation, the Title IX office (or its designee) will provide a written report containing relevant factual findings to the parties for their review and comment. After reviewing and incorporating these comments into the report as appropriate, the Title IX office will provide a final report, which includes factual findings, analysis and conclusions, to the parties. In most cases, the Title IX office will send this written report and recommendations for responsive action, if any, to the responsible University Authority. University Authority means:

- When the respondent is an employee, the respondent's supervisor, Human Resources and/or other appropriate University administrator;
- When the respondent is a third party, the University official responsible for retaining or overseeing the third party or other appropriate University administrator.

The University Authority will decide on the responsive actions, if any, to be implemented. The University Authority will notify the respondent of the responsive actions to be taken that directly impact the respondent, if any, and will document those actions in the respondent's University file. The University Authority will notify the Title IX office of any responsive actions taken or imposed. The University Authority will monitor compliance with any responsive actions, and address any compliance failures.

Either party may seek review of the Title IX office's written findings by providing concerns in writing to that office. In addition, employees may consult with their campus Title IX office and other applicable policies or offices to determine whether other review or grievance procedures are available to them related to the Title IX office's written findings including, for example:

- Bargaining unit employees should contact their union representative and/or refer to the [applicable collective bargaining agreement](#).
- Faculty members should refer to Chapter 14 of Board of Regents Policy: [Faculty Tenure](#). Faculty members may contact the Office of the Executive Vice President and Provost for more information about processes under this policy:

Office of the Executive Vice President and Provost  
234 Morrill Hall  
100 Church Street SE  
Minneapolis, MN 55455  
provost@umn.edu  
612-625-0051  
<http://provost.umn.edu>

- Faculty members who are not represented by a union should refer to the University's [conflict resolution process for employees](#). These faculty members may contact the Office for Conflict Resolution for more information:

Office for Conflict Resolution  
662 Heller Hall (West Bank)  
271 19<sup>th</sup> Avenue South  
Minneapolis, MN 55455  
612-624-1030  
<http://ocr.umn.edu/>  
[ocr@umn.edu](mailto:ocr@umn.edu)

- Civil Service and Professional and Administrative employees should refer to the University's [conflict resolution process for employees](#) and/or contact the Office for Conflict Resolution.

### 3. Cases where a respondent is alleged to have engaged in prohibited conduct in the course of performing duties as a student-employee

The University will follow the post-investigatory process that applies to student respondents as described above in IV.G.1, and the post-investigative process that applies to employee respondents as described above in IV.G.2. This may result in the respondent being disciplined as an employee by their employer and as a student as a result of the student conduct process.

## V. SANCTIONS

Sanctions are actions intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. University sanctions may include educational, restorative, rehabilitative and disciplinary components.

University sanctions for students may include:

- an oral or written warning;
- informal and formal coaching;
- probation;
- required compliance with work assignments, community service assignments, participation in a restorative justice process or other discretionary assignments;
- restitution;
- restriction of privileges;
- University housing suspension or expulsion;
- suspension or expulsion from the University;
- withholding of a diploma or degree; and/or
- revocation of admission or a degree.

University sanctions for employees may include

- informal and formal coaching;
- probation;
- progressive disciplinary action;
- transfer of position;
- removal of administrative appointment;
- demotion;
- salary reduction; and
- termination of employment, consistent with the applicable University disciplinary policies and procedures.

In determining the appropriate sanctions, the University will be guided by a number of considerations, including, but not limited to:

- the severity, persistence, or pervasiveness of the prohibited conduct;
- the nature or violence (if applicable) of the prohibited conduct;
- prior misconduct by the respondent, including the respondent's relevant prior disciplinary history, at the University or elsewhere;
- the impact on other members of the University community;
- an assessment of the respondent's potential for development, including whether the respondent has accepted responsibility for the prohibited conduct;

- the maintenance of a safe, nondiscriminatory, and respectful work and learning environment;
- recommendations from the investigator, the Title IX Coordinator, or other University administrators; and
- any other mitigating, aggravating, or compelling factors.

## **VI. AMNESTY**

To facilitate reports and thorough investigations of prohibited conduct, individuals who report information about potential prohibited conduct violations to the University, and individuals who participate in an investigation under this policy, will not be disciplined by the University for violations of its drug and alcohol policies that occurred in connection with the reported prohibited conduct and came to light as a result of a prohibited conduct report or investigation. However, this amnesty provision does not apply to a person who has given another person alcohol or drugs without their knowledge and with the intent of causing them to become incapacitated and therefore vulnerable to experiencing prohibited conduct.

Moreover, the University may offer leniency with respect to other violations that emerge as a result of a prohibited conduct report or investigation, depending on the circumstances involved

## **VII. PRIVACY AND CONFIDENTIALITY**

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy to the greatest extent possible. The University will maintain the privacy of student records in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act (FERPA). The University will maintain the privacy of employee records in accordance with applicable state and federal law, including the Minnesota Government Data Practices Act (MGDPA). In accordance with these legal requirements, the University will make reasonable efforts to protect the privacy of individuals while also fulfilling the need to gather information to assess the report, to take steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, and to satisfy any due process rights of those accused of wrongdoing.

The University has a compelling interest in protecting the integrity of its investigations, protecting the privacy of parties and witnesses and protecting parties and witnesses from harassment, intimidation or retaliation as a result of their participation in an investigation. To further these goals, witnesses and parties are asked to keep confidential information that they learn about an investigation (including the allegations, the identities of the parties, witnesses and the questions asked in interviews). In particular, witnesses and parties are advised not to discuss the investigation or allegations with anyone who they believe could be a witness.

In some circumstances, the University may find it necessary to require that parties and witnesses keep confidential all information related to the investigation to prevent harm to individuals or the work or academic environment. For example, University members may be required to maintain confidentiality to protect University members from harassment, intimidation and retaliation; to keep evidence from being destroyed; to ensure that testimony is not fabricated or contaminated by others; to prevent a cover-up; or to prevent serious disruption of the work environment. A University member who violates such a confidentiality requirement may be subject to disciplinary action.

## **VIII. REPORTING RETALIATION CONCERNS**

No member of the University community may retaliate against an individual because of the individual's good faith participation in:

- reporting or otherwise expressing opposition to, suspected or alleged prohibited conduct;
- participating in any process designed to review or investigate suspected or alleged prohibited conduct or non-compliance with applicable policies, rules, and laws; or
- accessing the Office for Conflict Resolution.

A causal relationship between the good faith participation in one of these activities and an adverse action is needed to demonstrate that retaliation has occurred.

Individuals who believe that retaliation is occurring or has occurred, as a result of their good faith participation in one of the above referenced activities, should follow the reporting options available to them in the Administrative Policy: [Reporting Suspected Misconduct](#). Reports of retaliation will be reviewed and investigated in the same manner in which other concerns of misconduct are handled. Any University member who engages in retaliation may be subject to disciplinary action up to and including termination of employment or expulsion.

## **IX. RECORDKEEPING**

The University's Title IX Coordinator and designees will maintain appropriate records of all reports of prohibited conduct in accordance with the University's [Administrative Policy: Managing University Records and Information](#), including:

- the initial report, along with any supplements or amendments;
- relevant communications between the campus Title IX office or designee, the complainant, the respondent, and others regarding the report or the investigation of the report;
- information relevant to the report that is obtained, gathered, or received during the investigation of the report, including documentation or other information submitted by the complainant or respondent;
- investigator notes;
- witness statements;
- written findings; and
- other documentation relied upon by the investigator or otherwise relevant to the investigation of the report.

The University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant. The University will provide complainants and respondents with access to their records related to prohibited conduct in accordance with laws governing access to records.

## **X. POLICY REVIEW**

The Office of Equal Opportunity and Affirmative Action (EOAA) will regularly review and update this policy as appropriate. The review will include an evaluation of, at a minimum, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding years (including, but not limited to, the timeframes for completion of these cases and sanctions and remedies imposed).

## **XI. TRAINING**

To facilitate the goals of this policy, the University will conduct ongoing prevention, awareness, and training programs for employees and students. The University will also provide training for all employees responsible for implementing this policy (including Title IX Coordinators, investigators and adjudicators) on the process of handling reports of prohibited conduct, the University grievance procedures and confidentiality requirements.

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## **REASON FOR POLICY**

The University adopts this policy with a commitment to: (1) taking prompt and equitable action to eliminate, prevent and address the effects of prohibited conduct; (2) fostering a trusting environment where prohibited conduct is not tolerated; (3) cultivating a climate where all persons are well-informed and supported with respect to reporting prohibited conduct; (4) providing a fair and impartial process for

all parties; and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed.

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## PROCEDURES

There are no procedures associated with this policy.

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## FORMS/INSTRUCTIONS

There are no forms associated with this policy.

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## APPENDICES

- Appendix: Roles and Responsibilities of Advisors

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## FREQUENTLY ASKED QUESTIONS

- FAQ: Employees' Obligation to Report Sexual Assault, Sexual Harassment, Stalking and Relationship Violence to EOAA
- FAQ: Supervisor Obligations
- FAQ: Investigations and Accommodations
- FAQ: Retaliation

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## ADDITIONAL CONTACTS

Subject	Contact	Phone	Fax/Email
<b>Primary Contact</b>	<b>Tina Marisam</b>	<b>612-626-9357</b>	<b>marisam@umn.edu</b>
Policy or process questions	Campus Title IX Offices (see below)		

## CAMPUS TITLE IX OFFICES

Prohibited conduct reports can be made to the University's campus Title IX offices listed here. As described in this policy, upon learning of certain types of prohibited conduct, employees must contact their campus Title IX office to satisfy their prohibited conduct reporting obligations.

Subject	Contact	Phone	Email
<b>Crookston Campus</b>			
Title IX Coordinator	Peter Phaiah Associate Vice Chancellor for Student Affairs 14-J Sargeant Student Ctr Crookston, MN	218-281-8505	phaiah@crk.umn.edu
<b>Duluth Campus</b>			
Title IX Coordinator	Lisa Erwin Vice Chancellor for Student Life and Dean of Students 245 Kirby Plaza 1208 Kirby Drive Duluth, MN 55812	218-726-8502	vcsl@d.umn.edu
<b>Morris Campus</b>			

Title IX Coordinator	Sarah Mattson Director of Human Resources 201 Behmler Hall 600 East 4 <sup>th</sup> Street Morris, MN 56267	320-589-6021	mattsosj@morris.umn.edu
<b>Rochester Campus</b>			
Title IX Coordinator for employees	Andrea Wilson Director of Human Resources University Square 111 South Broadway, Suite 300 Rochester, MN 55904	507-268-8010	wils1236@r.umn.edu
Title IX Coordinator for students	Julie Thornton 300 University Square, Office 329 111 South Broadway Rochester, MN 55904	507-258-8106	jthorn@r.umn.edu
<b>Twin Cities Campus</b>			
Title IX Coordinator	Tina Marisam Director of the Office of Equal Opportunity and Affirmative Action McNamara Alumni Center, Room 274 200 Oak Street SE Minneapolis, MN 55455	612-626-9357	marisam@umn.edu

## UREPORT/ETHICSPPOINT

Reports of prohibited conduct, including anonymous reports, may be submitted 24 hours a day through the University's UReport/EthicsPoint reporting system. Reports of prohibited conduct made through UReport/EthicsPoint will be forwarded to the appropriate campus Title IX office, which will address the concerns through investigation or informal channels when possible given the nature and specificity of the report. However, reporting about prohibited conduct through UReport/EthicsPoint does not satisfy the obligation of University employees as set forth above in Section II to report incidents of prohibited conduct to the Title IX offices. Similarly, anonymous reporting in any other form also does not satisfy this reporting obligation.

Subject	Contact	Phone
<b>All Campuses</b>		
	<a href="https://secure.ethicspoint.com/domain/media/en/gui/9167">https://secure.ethicspoint.com/domain/media/en/gui/9167</a>	1-866-294-8680

## LAW ENFORCEMENT

Employees, students and third parties can report crimes to the law enforcement agency for the jurisdiction in which they are located. Complainants have the option to report a crime to the appropriate law enforcement agency, to report prohibited conduct to the appropriate Title IX office or to report to both investigative bodies simultaneously. Even if a criminal investigation is ongoing, the University will conduct its own Title IX investigation and will not wait for the conclusion of a criminal investigation or proceeding to begin its Title IX investigation. However, the University may temporarily delay the fact-finding portion of a Title IX investigation while law enforcement is gathering evidence to avoid interfering with the criminal investigation.

The following is a summary of crime victims' rights under Minnesota law. When a crime is reported to law enforcement, victims have the right to:

- request that their identity be kept private in reports available to the public;
- be notified of crime victim rights and information on the nearest crime victim assistance resource;
- apply for financial assistance for non-property losses related to a crime;
- participate in prosecution of their case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- protection from harm and from employer retaliation for taking time off to attend protection or harassment restraining order proceedings;
- receive information about seeking a protective or harassment order at no cost; and
- assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of sexual assault have the right to undergo a confidential sexual assault examination at no cost and make a confidential request for HIV testing of a convicted felon. Victims of sexual assault are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. Victims of domestic abuse also have the right to terminate a lease without penalty. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency. Complete information about crime victims' rights can be found at: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>.

Subject	Contact	Phone	Fax/Email
<b>Crookston Campus</b>			
	The City of Crookston Police Department 321 West Robert Street Crookston, MN 56716	218-281-3111	
<b>Duluth Campus</b>			
	University of Minnesota-Duluth Police Department 287 Darland Admin Bldg 1049 University Drive Duluth, MN 55812	218-726-7000	umdpd@d.umn.edu
	Duluth Police Department 2030 North Arlington Avenue Duluth, MN 55811	218-730-5400	police@duluthmn.gov
<b>Morris Campus</b>			
	University of Minnesota Morris Campus Police Behmler Hall 6 600 East Fourth Street Morris, MN 56267	320-589-6000	ummpd@morris.umn.edu
	Morris Police Department 400 Colorado Avenue Morris, MN 56267	320-208-6500	mpd@co.stevens.mn.us
<b>Rochester Campus</b>			
	Rochester Law Enforcement Center 101 Fourth Street Southeast	507-328-6810	

	Rochester, MN 55902		
<b>Twin Cities Campus</b>			
	University of Minnesota Police Department 511 Washington Ave. SE Minneapolis, MN 55455	612-624-2677	police@umn.edu
	St. Paul Police Department 367 Grove Street St. Paul, MN 55101	651-291-1111	policeinfo@ci.stpaul.mn.us
	Minneapolis Police Department 350 South 5th Street, Room 130 Minneapolis, MN 55415-1389	612-673-2941 (Sex crimes unit)	
	Falcon Heights Police Department 3301 Silver Lake Road Saint Anthony, MN 55418	612-782-3350	

## RESOURCES FOR COMPLAINANTS

The following resources offer free and confidential services for complainants, including advocacy, counseling, emotional support and/or guidance through law enforcement and University reporting processes. These resources are available to complainants regardless of whether they choose to report the prohibited conduct they experienced to law enforcement or the campus Title IX office.

Subject	Contact	Phone	Fax/Email
<b>Crookston Campus</b>			
	Polk County Coordinated Victim Services	218-281-1554 1-800-524-1993	
	UMC Counseling Center	218-281-8571 218-281-8348	
	Campus Nurse	218-281-8512	
<b>Duluth Campus</b>			
	Women's Resource and Action Center (WRAC)	218-726-6292	
	Program for Aid to Victims of Sexual Assault (PAVSA)	218-726-1931	
	Counseling: Health Services	218-726-7913	
<b>Morris Campus</b>			
	Someplace Safe (providing crime victim advocacy)	1-800-974-3359	
	Student Counseling	320-589-6060	

<b>Rochester Campus</b>			
	Crisis Hotline	507-269-4511	
	Student Counseling	507-258-8017	rkotovic@r.umn.edu
	Student Health Services	507-292-7250	
<b>Twin Cities Campus</b>			
	The Aurora Center	24 Hour Helpline: 612-626-9111  Office Line: 612- 626-2929	aurora@umn.edu
	Boynton Mental Health	Office line: 612- 625-8400  24 hour Crisis Connection counselors: 612- 301-4673	
	Student Counseling Services	612-624-3323	counseling@umn.edu

The University's Employee Assistance Program (EAP) is available to benefits-eligible employees on all system campuses. EAP provides confidential professional consultation and referral services to address any personal or work concern that may be affecting one's wellbeing. EAP can be reached at 612-625-2820, 1-888-243-5744 or eap@umn.edu.

#### RESOURCES FOR RESPONDENTS

The offices in the table below can identify advocates to assist respondent students through the University's investigative and post-investigative processes.

Subject	Contact	Phone	Fax/Email
<b>Crookston Campus</b>			
	Student Affairs	218-281-8505	phaiah@crk.umn.edu
<b>Duluth Campus</b>			
	Student Life	218-726-8501	<a href="mailto:vcsl@d.umn.edu">vcsl@d.umn.edu</a>
<b>Morris Campus</b>			
	Student Affairs	320-589-6013	ummvcsa@morris.umn.edu
<b>Twin Cities Campus</b>			
	Student Conflict Resolution Center	612-624-7272	<a href="mailto:sos@umn.edu">sos@umn.edu</a>
<b>Rochester Campus</b>	Student Development	507-258-8106	jthorn@r.umn.edu

The table below provides confidential resources for respondent students.

Campus	Contact	Phone
<b>Crookston</b>		

	UMC Counseling Center	218-281-8571 218-281-8348
<b>Duluth</b>		
	Counseling: Health Services	218-726-7913
<b>Morris</b>		
	Student Counseling	320-589-6060
<b>Rochester</b>		
	Student Counseling	507-258-8017
	Student Health Services	507-292-7250
<b>Twin Cities</b>		
	Boynton Mental Health	Office line: 612-625-8400 24 hour counselors: 612-301-4673
	Student Counseling Services	612-624-3323

The University's Employee Assistance Program (EAP) is available to benefits-eligible employees on all system campuses. EAP provides confidential professional consultation and referral services to address any personal or work concern that may be affecting one's wellbeing. EAP can be reached at 612-625-2820, 1-888-243-5744 or eap@umn.edu.

#### **U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS**

Individuals with questions regarding this policy or the application of this policy may also contact the U.S. Department of Education, Office for Civil Rights, which is the federal agency that enforces Title IX of the Education Amendments of 1972.

<b>Subject</b>	<b>Contact</b>	<b>Phone</b>	<b>Fax/Email</b>
<b>Federal government contact</b>			
	U.S. Department of Education 500 W. Madison Street, Suite 1427 Chicago, IL 60661	312-730-1700	312-730-1704

## **DEFINITIONS**

### **ASSISTS OR ABETS**

An individual assists or abets prohibited conduct when the individual: (1) helps ~~another~~ any other person to engage in prohibited conduct; and (2) intends the prohibited conduct to occur or knows or reasonably should know that their actions are significantly likely to help the other person to engage in prohibited conduct.

### **COMPLAINANT**

An individual is a “complainant” when the University learns that the individual may have experienced prohibited conduct. Complainants are assisted under this policy even if they have not reported prohibited conduct to the University or pursued a prohibited conduct investigation under this policy.

## RESPONDENT

An individual is a “respondent” when the University learns that the individual is alleged to have engaged in conduct that could constitute prohibited conduct under this policy.

## PROHIBITED CONDUCT

Prohibited conduct includes sexual assault, sexual harassment, stalking, relationship violence and related retaliation.

- A. **Sexual assault** is: (1) actual or attempted sexual contact without affirmative consent; or (2) a threat to engage in contact that would be, if the threat were carried out, sexual contact without affirmative consent.
1. **Sexual contact** is intentional sexual touching with an object or body part. Depending on the context, it may include, but is not limited to: (a) intentionally touching the breasts, buttocks, groin or genitals of another individual; (b) intentionally touching another individual with any of these body parts; and (c) making an individual touch another individual or themselves with, or on, any of these body parts. Sexual contact can occur whether or not an individual’s body parts are covered by clothing.
    - i. **Sexual penetration** is sexual contact that includes, but is not limited to: (a) vaginal penetration by a penis, tongue, finger or any other body part or object; (b) anal penetration by a penis, tongue, finger or any other body part or object; and (c) contact between the mouth of one individual and the genitalia of another individual.
  2. **Affirmative consent** is freely and affirmatively communicated words or actions given by an informed individual that a sober reasonable person under the circumstances would believe communicate a willingness to participate in the sexual contact. This definition of consent does not vary based upon an individual’s sex, sexual orientation, gender identity or gender expression. The following factors will be considered when determining whether affirmative consent was given.
    - It is the responsibility of each individual who wishes to engage in sexual contact to obtain consent from the other individual or individuals.
    - A lack of protest, the absence of resistance, and silence do not by themselves indicate consent.
    - The existence of a present or past sexual, dating or other romantic relationship between the individuals involved does not by itself imply consent to sexual contact.
    - Consent must be present throughout the sexual contact and may be given and withdrawn at any time.
    - When consent is withdrawn, all sexual contact must stop. Likewise, where there is confusion about the state of consent, sexual contact must stop until the individuals involved consent again.
    - Consent to one form of sexual contact does not by itself constitute consent to another form of sexual contact.

Consent is not obtained where:

- An individual is compelled to engage in unwanted sexual contact through the use of coercion. Coercion may consist of physical force, intimidation, threats or

severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact.

- An individual involved in sexual contact is incapacitated due to the influence of drugs or alcohol, and a reasonable person would know of this incapacitation. Incapacitation due to the influence of drugs or alcohol is a state beyond mere intoxication or impaired judgment. Some indicators of incapacitation due to the influence of drugs or alcohol may include:
  - A lack of control over one's physical movement (for example, an inability to walk or stand without stumbling or assistance).
  - An inability to effectively communicate (for example, where one's speech is heavily slurred, incomprehensible or nonsensical).
  - A lack of awareness of one's circumstances or surroundings (for example, a lack of awareness of where one is, how one got there, who one is with and how or why one became engaged in sexual contact).

If there is any doubt as to whether another individual is incapacitated, one should assume that the individual does not have the capacity to give consent.

- An individual involved in sexual contact is unable to communicate or understand the nature or extent of the sexual situation because of a physical or mental condition.
- An individual involved in sexual contact is asleep, unconscious or involuntarily physically restrained.
- An individual involved in sexual contact is not of legal age to give consent pursuant to Minnesota state law.

B. **Sexual harassment** is unwelcome conduct of a sexual nature under either of the following conditions:

- When it is stated or implied that an individual needs to submit to, or participate in, conduct of a sexual nature in order to maintain their employment or educational standing or advance in their employment or education (quid pro quo sexual harassment).
- When the conduct: (1) is severe, persistent or pervasive; and (2) unreasonably interferes with an individual's employment or educational performance or creates a work or educational environment that the individual finds, and a reasonable person would find, to be intimidating, hostile or offensive (hostile environment sexual harassment).

In determining whether conduct is unwelcome, consideration is given both to the complainant's subjective experience and to whether a reasonable person would have perceived the complainant as welcoming the conduct. A complainant's acquiescence to the conduct, or failure to complain about the conduct, is not by itself determinative of whether the conduct was welcome. Under this policy, an individual who holds power over another individual (such as a supervisor or faculty member) is reasonably expected to understand that a complainant may submit to or participate in sexual conduct from a superior because they fear potential negative repercussions if they refuse, and not because the conduct is welcome.

Sexual harassment may include conduct that is verbal, nonverbal, graphic and/or physical. Individuals of all genders can be victims of sexual harassment, and the complainant and respondent can be of the same or different genders. The following conduct may, if sufficiently egregious, constitute sexual harassment:

- Unwelcome sexual advances, including touching or sexual comments.
- Implicit or explicit requests for sexual favors in exchange for employment or academic benefits.
- Distributing ratings of individuals' attractiveness or sexual activity or performance.
- A pattern of sexually suggestive comments, jokes or gestures.
- Sexual exploitation: Taking sexual advantage of a person, which may include, but is not limited to, unwelcome: (1) exposure of one's genitals to another person; (2) distribution of sexual information, images or recordings about another person; (3) observation or

recording of sexual activity or nudity where there is a reasonable expectation of privacy; and (4) exposure of another person to a sexually transmitted infection without their knowledge.

A hostile environment is often created by persistent or pervasive unwelcome conduct of a sexual nature. However, it can also be created by a severe single or isolated incident.

- C. **Stalking** is a course of conduct directed at a specific individual that is unwelcome and that would cause a reasonable person to: (1) feel fear for their safety or the safety of others; or (2) experience substantial emotional distress.

A course of conduct is multiple acts including, but not limited to, acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another individual, or interferes with another individual's property. In determining whether an individual has engaged in a course of conduct, consideration is given to the number of acts, their level of severity and the time period in which they occur.

Stalking includes "cyber-stalking," in which an individual uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other methods or forms of contact to engage in stalking.

In determining whether conduct is unwelcome, consideration is given both to the complainant's subjective experience and to whether a reasonable person would have perceived the complainant as welcoming the conduct. A complainant's acquiescence to the conduct, or failure to complain about the conduct, is not by itself determinative of whether the conduct was welcome. Under this policy, an individual who holds power over another individual (such as a supervisor or faculty member) is reasonably expected to understand that a complainant may submit to or participate in certain conduct from a superior because they fear potential negative repercussions if they refuse, and not because the conduct is welcome.

- D. **Relationship violence** is actual, attempted or threatened violence by an individual who is, or has been, in a spousal, sexual or romantic relationship with the individual receiving the actual, attempted or threatened violence.

The existence of such a relationship will be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

- E. **Retaliation** means taking an adverse action against an individual because of the individual's good faith participation in:

- i. reporting suspected or alleged prohibited conduct;
- ii. expressing opposition to suspected or alleged prohibited conduct;
- iii. participating in an investigation related to a prohibited conduct allegation; or
- iv. accessing the Office for Conflict Resolution (OCR) to resolve a conflict related to prohibited conduct.

To demonstrate that retaliation has occurred, an individual must show that a causal relationship exists between the individual's actions in (i) through (iv) above and the adverse action.

Adverse actions are actions that might deter a reasonable person from engaging in reporting suspected or alleged prohibited conduct, expressing opposition to suspected or alleged prohibited conduct, participating in an investigation related to a prohibited conduct allegation, or accessing the Office for Conflict Resolution. Examples of adverse action include, but are not limited to: impeding the individual's academic advancement; departing from any customary academic or employment practice regarding the individual; firing, refusing to hire, or refusing to promote the

individual; transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status; and threatening or marginalizing an individual. In some situations, retaliatory conduct may also include inappropriate disclosure of the identity of the individual who has made a complaint protected by this policy.

Good faith participation means reporting, or otherwise expressing opposition to, prohibited conduct based on a reasonable belief that prohibited conduct has occurred. Or, honestly participating in an investigation of prohibited conduct or accessing conflict resolution services.

Investigation means the steps taken to analyze all relevant information regarding suspected or alleged prohibited conduct and then determine whether sufficient evidence exists to find that the prohibited conduct occurred.

A report in good faith is a report made by an individual who reasonably believes that prohibited conduct has occurred and reports the incident.

For more information on retaliation, see FAQ: *Retaliation*.

## **UNIVERSITY EMPLOYEES**

University employees include the following individuals:

- a. all individuals defined as employees by the Board of Regents Policy: [Employee Group Definitions](#), including:
  - i. faculty
  - ii. academic professionals
  - iii. academic administrators
  - iv. professionals in training (including postdoctoral associates)
  - v. civil service staff
  - vi. union-represented staff
  - vii. graduate assistants
  - viii. student employees
- b. fellows;
- c. temporary employees; and
- d. third parties serving in instructional roles at the University.

## **UNIVERSITY PROPERTY**

University property includes any building or property that is owned or controlled by the University and is used by the University in direct support of, or in a manner related to, the University's educational purposes.

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## **RESPONSIBILITIES**

### **Counseling Services Offices**

Provide counseling services and referrals.

### **Campus Title IX Offices and Officials**

Provide consultations regarding prohibited conduct policies and procedures. Receive reports of prohibited conduct. Investigate, or oversee investigations of, prohibited conduct reports.

### **Health Care Services**

Provide health care and counseling, and referrals.

### **Housing/Residential Life Offices**

Provide assistance to residents, including changing living situations if requested and reasonably available.

### **Human Resources**

Receive and respond to reports of prohibited conduct committed by employees.

### **Police Departments**

- Investigate reports for possible criminal prosecution.
- Refer complainants to appropriate campus resources for personal support and investigation.
- Provide for campus safety and security.
- Provide timely warnings as appropriate.

### **Student Conduct Offices**

- Respond to and resolve reports of prohibited conduct consistent with the Student Conduct Code. This includes advising and sanctioning student respondents when warranted. Some offices also investigate reports.
- Provide resource and guidance for University presenters in prohibited conduct hearings and hearing panel board members and chairs.

### **Victim/Survivor Services**

- Maintain all contacts and reports as strictly confidential.
- Provide crisis intervention and advocacy.
- Assist complainant in contacting police and/or reporting to other University offices, if the complainant consents (some can assist in obtaining restraining orders).
- Assist complainant in obtaining medical assistance and counseling, changing academic programs or housing, etc.
- Campus-based programs will also provide awareness, prevention and risk-reduction training, and educational programming for students and employees.

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## **RELATED INFORMATION**

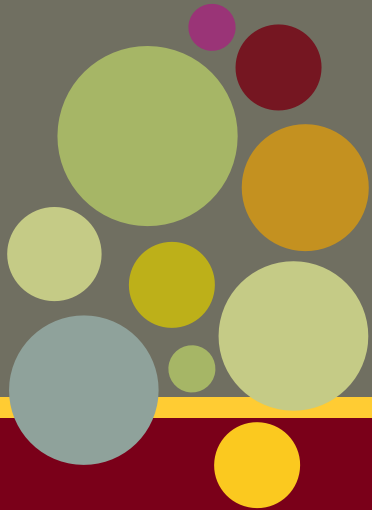
- Board of Regents Policy: [Student Conduct Code](#)
- Board of Regents Policy: [Code of Conduct](#)
- Board of Regents Policy: [Sexual Harassment, Sexual Assault, Stalking and Relationship Violence](#)
- Board of Regents Policy: [Employee Group Definitions](#)
- Administrative Policy: [Retaliation](#)
- Administrative Policy: [Graduate Assistant Employment](#)
- Regulations Concerning Faculty Tenure
- [Civil Service Rules](#)
- Academic Professional and Administrative employee policies and procedures
- [All Collective Bargaining Contracts](#)
- [Sexual Assault Victim's Rights Statement](#)

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## **HISTORY**

# Presentation to the Board of Regents:

Sexual Harassment, Sexual Assault, Stalking  
and Relationship Violence Policies



## Equal Opportunity and Affirmative Action

Tina Marisam, EOAA Director and Title IX Coordinator  
Brian Slovut, Deputy General Counsel

October 13, 2017



# Overview of Presentation

1. Items for action
2. Changes made to the policies since the June Board meeting
  - To incorporate Regents' feedback
  - To implement recommendations from the *Joint Report and Recommendations on Title IX and Athletic Discipline Practices*
  - To align the policies with the Office for Civil Rights' new interim guidance
3. Proposed modifications to the *Student Conduct Code*
4. Benefits of implementing these action items now



# Items for Action

1. Adoption of Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*
2. Ratification of Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*
3. Adoption of modifications to Board of Regents Policy: *Student Conduct Code* so that it aligns with Board and Administrative policies on *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*



# Policy Changes Made to Incorporate Regents' Feedback

- The titles of the Board of Regents and Administrative policies have been changed from *Sexual Misconduct* to *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*.
- A definition of “assists or abets” has been added to the proposed Administrative policy.
- Section IV (d) has been added to the Board of Regents policy. It states that the University shall “adopt procedures on each campus for providing training on prohibited conduct to all members of the University community.”
- Other modifications have been made to clarify and simplify policy language.



# Policy Changes Made to Implement Recommendations From the Joint Report

- The proposed Administrative policy now refers to EOAA findings as “initial findings” in order to distinguish them from the “findings” of the Student Sexual Misconduct Subcommittee.
- The proposed Administrative policy now includes a definition of “assists or abets.”

(The proposed Administrative policy also includes an amnesty provision, which will implement another of the Joint Report’s recommendations.)



# Policy Changes Made to Align the Policies With Office for Civil Rights' Guidance

The proposed Administrative policy includes new provisions relating to:

- written notice to respondents;
- opportunities to respond to the investigative fact-finding report in advance of the decision on responsibility; and
- the availability of interim measures.



# Proposed Modifications to the *Student Conduct Code*

Currently, Section IV, Subdivision 8 reads:

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 the following behaviors: sexual assault, relationship violence, stalking, and sexual or gender-based harassment.

Proposed language for Section IV, Subdivision 8:

Subd. 8. Sexual Harassment, Sexual Assault, Stalking and Relationship Violence.

These disciplinary offenses are defined in the Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence* and the related administrative policy.



# Proposed Modifications to the *Student Conduct Code*

Remove the term “stalking” from Section IV, Subdivision 6 to eliminate duplication with Section IV, Subdivision 8.

Section IV, Subdivision 6 currently reads:

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.



# Proposed Modifications to the *Student Conduct Code*

The introduction of Section IV currently reads:

Any student or student group 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:

Proposal to add this definition of “assists or abets” in Section III, Subd. 8:

Assists or abets. A student or student group assists or abets prohibited conduct when the student or student group: (a) helps any other person engage in misconduct as defined by the Student Conduct Code; and (b) knows or reasonably should know that their actions are significantly likely to help the other person to engage in the preceding misconduct.



# Benefits of Implementing the Policy Changes Now

- Comply with the provision in a 2015 resolution agreement with the Office for Civil Rights that requires implementation of a single, comprehensive sexual harassment policy.
- Provide significantly more detailed information to the University community.
- Implement several recommendations from the Joint Report and align University policy with the new federal guidance.
- Enable the University to move forward with its plan to provide sexual misconduct training to all employees system-wide this winter.
- Define the terms sexual assault, stalking and relationship violence in a Board-level policy.



## Equal Opportunity and Affirmative Action

274 McNamara Alumni

200 Oak Street SE

Minneapolis, MN 55455

(612) 624-9547

[eoaa@umn.edu](mailto:eoaa@umn.edu)

<https://diversity.umn.edu/eoaa/>

Equal Opportunity and  
Affirmative Action  
Office for **Equity and Diversity**

UNIVERSITY OF MINNESOTA



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**October 13, 2017**

**AGENDA ITEM:** Conflict Management Plan

**Review**

**Review + Action**

**Action**

**Discussion**

*This is a report required by Board policy.*

**PRESENTERS:** Boyd Kumher, Chief Compliance Officer

## **PURPOSE & KEY POINTS**

The purpose of this item is Board review of an updated draft of President Kaler's conflict management plan. The updated plan reflects Sam Kaler's departure from Mortenson Construction, and retains the mechanisms applicable to Charles Kaler's continued employment with Russell Reynolds Associates.

## **BACKGROUND INFORMATION**

Pursuant to [BOR Policy: \*Institutional Conflict of Interest\*](#), Section IV (b), the Board retains the "authority to review and approve plans for managing, reducing, or eliminating institutional conflict of interest involving... (b) potential conflicts involving the president."

President Kaler has had a conflict management plan in place since May 9, 2013 to address potential purchasing conflicts due to the employment of his two adult sons by companies that have had contracts with the University. The 2013 plan was approved by the Board in October 2016.

September 7, 2017

Dr. Eric Kaler  
President  
Office of the President  
202 Morrill Hall  
100 Church St SE  
Minneapolis, MN 55455

**DRAFT**

RE: Russell Reynolds Associates

Dear President Kaler:

The Office of Institutional Compliance, Conflict of Interest Program (“COI Program”) revised your conflict management plan, dated May 9, 2013, to reflect your son Sam’s resignation from his employment with Mortensen Construction, and your son Charles’ continued employment with Russell Reynolds Associates. **This plan, which will be shared with the Board of Regents, replaces the 2013 plan, which is retired.**

Your Role at the University and Your Financial Interests

As president, you are the chief executive officer of the University, and ex officio president of the Board of Regents.

Since beginning your tenure as president, you have disclosed that your adult son Charles is employed by Russell Reynolds Associates, an international search and assessment firm which also provides culture assessments and CEO/Board advisory services. Charles’ responsibilities include researching candidates and facilitating the search process. Russell Reynolds has contracted with the University in the past, and is likely to do so in the future.

Conflict Review Panel

The Institutional Executive Conflict Review Panel reviewed the circumstances described above on April 1, 2013, and referred the matter to the Institutional Full Conflict Review Panel (“Panel”), which met on April 16, 2013.

The Panel made a conflict of interest determination pursuant to Administrative Policy: *Individual Conflicts of Interest*, Section I.F.1. It was the Panel’s view that, given (i) your chief executive role for the University and (ii) your son’s significant financial interest in a company that does business with the University, a conflict of interest exists under

Minnesota Statute Section 15.43, Subdivision 1, which states:

**Financial interest of agents.** No employee of the state or of the University of Minnesota in direct contact with suppliers or potential suppliers to the state or 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 has official involvement in the purchasing or contracting process may:

- (1) Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to a department or agency of the state or the university.

#### Conflict Management Plan Mechanisms

The Panel determined that the conflict can be managed through a conflict management plan that includes the following mechanisms:

1. You will have no role in deciding which search firm the University will hire whenever Russell Reynolds is one of the firms under consideration and you would otherwise have input on the choice of the search firm. In these circumstances, the Vice President for Human Resources or delegate, in consultation with the chair or co-chairs of the particular search committee, will select the search firm to be retained by the University.
2. In these circumstances, your conflict of interest will be disclosed to the members of the Search Committee involved in selecting the search firm, and they will also be advised that a management plan has been issued that precludes you from any participation in the decision-making process regarding the hiring of Russell Reynolds.

On or about the anniversary date of this conflict management plan, the COI Program will follow-up with you to confirm your compliance with this plan.

You were provided a draft copy of this for your review and comment. In an email response to Boyd Kumher, Chief Compliance Officer, dated September XX, 2017, you agreed with the plan's terms.

Dr. Eric Kaler  
September 7, 2017  
Page 3

Please contact Boyd Kumher at 612-626-7852 or at [bkumher@umn.edu](mailto:bkumher@umn.edu) should you have any questions regarding this plan.

Sincerely,

Boyd Kumher, Chief Compliance Officer  
Office of Institutional Compliance

Daniel A. Feeney, Chair  
Institutional Conflict Review Panel

cc: David J. McMillan, Chair, Board of Regents  
Kathryn Brown, Vice President for Human Resources



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**October 13, 2017**

**AGENDA ITEM:** Report of the Committees

Review                       Review + Action                       Action                       Discussion

*This is a report required by Board policy.*

**PRESENTERS:** Regent David J. McMillan

## **PURPOSE & KEY POINTS**

Pursuant to Board of Regents Policy: *Board Operations and Agenda Guidelines*, “The Board conducts business through meetings of the Board and its committees.... [and] Committees provide recommendations for action by the Board. Typically, standing committees have the following responsibilities:

- Recommend action on matters where the Board has reserved authority to itself as outlined in Board of Regents Policy: *Reservation and Delegation of Authority* and other Board policies;
- Provide governance oversight on topics within the committee’s purview;
- Review and make recommendations on relevant new and existing Board policies;
- Receive reports on policy-related issues affecting University departments and units;
- Receive information items (e.g., status reports on current issues of concern and administrative searches); and
- Review other items placed on the agenda by the Board chair in consultation with the president and Board vice chair.”

## **BACKGROUND INFORMATION**

Current committee chairs:

- Audit & Compliance Committee – L. Cohen
- Finance & Operations Committee – T. Anderson
- Governance & Policy Committee – D. Rosha
- Litigation Review Committee – R. Beeson
- Mission Fulfillment Committee – A. Omari



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**October 13, 2017**

**AGENDA ITEM:** Resolution Related to the Dissolution of the Minnesota 4-H Foundation and the Transfer of Assets to the University of Minnesota Foundation

**Review**

**Review + Action**

**Action**

**Discussion**

*This is a report required by Board policy.*

**PRESENTERS:** Karen Hanson, Executive Vice President and Provost  
Beverly Durgan, Dean, University of Minnesota Extension

## **PURPOSE & KEY POINTS**

The purpose of this item is to review a resolution to dissolve the Minnesota 4-H Foundation (4-H Foundation) and transfer all assets to the University of Minnesota Foundation (UMF).

The 4-H Foundation was established in 1980 to support, through fundraising and other philanthropic activities, the work of the University Minnesota Extension (Extension) in meeting the needs and advancing the interests of 4-H and its agricultural and youth work.

The 4-H Foundation's endowment of approximately \$6.8 million, and the approximately \$3.0 million in custodial funds it holds on behalf of county 4-H organizations throughout Minnesota, have been held and invested on its behalf by UMF since at least 1986.

In light of the rising costs of maintaining a separate existence and acknowledging that its endowment is already managed and invested by UMF, the 4-H Foundation Board of Trustees voted on June 26, 2017 to dissolve its separate legal existence and transfer title to its endowment and custodial assets (charitable funds) to UMF. The 4-H Foundation Board of Trustees will continue, through Extension, to conduct 4-H related fundraising activities in coordination with UMF.

## **Plan of Dissolution**

The 4-H Foundation Board of Trustees approved the following plan of dissolution:

- Charitable funds will be distributed to UMF to be held and administered in the same manner and for the same charitable purposes as they had been held and administered by the 4-H Foundation.
- Remaining assets will be distributed to Extension to support its ongoing operation of 4-H programs in Minnesota and its continued fundraising activities in coordination with UMF.

This resolution is expected to return to the Board for action at the December meeting.

## **PRESIDENT'S RECOMMENDATION**

The President recommends adoption of the Resolution Related to the Dissolution of the Minnesota 4-H Foundation and the Transfer of Assets to the University of Minnesota Foundation.



## REGENTS OF THE UNIVERSITY OF MINNESOTA

### RESOLUTION RELATED TO

#### **Dissolution of the Minnesota 4-H Foundation and the Transfer of Assets to the University of Minnesota Foundation**

**WHEREAS**, the University of Minnesota Foundation (UMF) and the Minnesota 4-H Foundation (4-H Foundation) are charitable nonprofit corporations organized solely to serve the University, but governed separately; and

**WHEREAS**, under Board of Regents Policy: *Foundations at the University*, the University accorded both UMF and the 4-H Foundation the status of "Recognized Foundations" with attendant benefits and responsibilities; and

**WHEREAS**, both Foundations recognize the importance of maintaining close, collaborative working relationships with the University; and

**WHEREAS**, the mission of the 4-H Foundation is, in cooperation with UMF, to solicit funds and accept gifts and contributions to support University of Minnesota Extension (Extension) in meeting the needs and advancing the interests of 4-H and associated youth work; and

**WHEREAS**, in order to improve the operational efficiency of the 4-H Foundation's development activities and better coordinate those activities with the University, the Board of Trustees of the 4-H Foundation has approved a plan by which it will be dissolved and certain of its assets and records be transferred to UMF, the remainder being transferred to Extension; and

**WHEREAS**, following the dissolution, Extension will continue to operate 4-H youth development programs in Minnesota and raise funds to support such programs in cooperation and coordination with UMF; and

**WHEREAS**, the dissolution of the 4-H Foundation promotes the University's interests and protects the University's property consistent with Board policies and the memorandums of understanding between the University and both Foundations.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Regents hereby ratifies the dissolution of the 4-H Foundation and the transfer of its assets and records to UMF and Extension.

**BE IT FURTHER RESOLVED** that the Board of Regents directs the executive director and corporate secretary to make any necessary corrections to Board policy.