



Governance & Policy Committee

December 2020

December 11, 2020

8:00 a.m.

Videoconference

GOV - DEC 2020

1. Resolution Related to Amendments to Urgent Approval Authority – Action

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2. Board of Regents Policy: Alcoholic Beverages on Campus – Review

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BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

December 11, 2020

AGENDA ITEM: Resolution Related to Amendments to Urgent Approval Authority

Review

Review + Action

Action

Discussion

This is a report required by Board policy.

PRESENTERS: Regent Darrin Rosha

PURPOSE & KEY POINTS

The purpose of this item is action on the resolution related to amendments to the Board’s urgent approval authority. The resolution seeks to amend the urgent approval authority defined by Section V, Subd. 7 of [Board of Regents Policy: Board Operations and Agenda Guidelines](#). If adopted, the amended urgent approval process will:

- Require the President to submit an expanded request that describes the imminent and significant harm to the University if the approval is not immediately granted.
- Direct that if a quorum of the Board is available to meet, the Board chair must call a special or emergency meeting of the Board to consider the item. If a quorum is not available or the situation prevents the Board chair from attempting to convene the Board, the urgent approval authority may be used.
- Adjust the immediate notification process that occurs when an urgent approval is granted to the rest of the Board to include a provision that all materials provided to support the request be included in that notification, which aligns policy with current practice.
- Require that any action granted using urgent approval be presented to the Board for ratification at its next regular or special meeting.

BACKGROUND INFORMATION

The resolution was introduced during New Business at the September Board of Regents meeting and referred to the Governance & Policy Committee by Chair Powell. The committee reviewed the item at the October meeting.

Board of Regents Policy: *Board Operations and Agenda Guidelines* was adopted in 2002 and last amended on June 8, 2018. The June 2018 amendments included retitling emergency approvals to urgent approvals, added the stipulation that they be used judiciously, and implemented a notification requirement that any actions taken be reported to the Board or respective committee upon approval and included as an information item at the next scheduled meeting.



REGENTS OF THE UNIVERSITY OF MINNESOTA

RESOLUTION RELATED TO

Amendments to Urgent Approval Authority

BE IT RESOLVED that that the Board of Regents adopts the following amendments to Board of Regents Policy: *Board Operations and Agenda Guidelines*, Section V, Subd. 7, Urgent Approvals:

Subd. 7. Urgent Approvals.

~~Upon recommendation of the president, the Board chair, Board vice chair, and the respective committee chair may act on behalf of the Board when delay for Board approval could have a significant impact on the University's mission or poses a considerable health, safety, or financial risk. Urgent approvals shall be used judiciously and any such approvals will be reported to the Board or respective committee upon approval and included as an information item at the next scheduled meeting, consistent with Subd. 3 of this section.~~

When delay for Board approval could have a significant impact on the University's mission or poses a considerable health, safety, or financial risk, and when a regular meeting of the Board will not take place prior to the anticipated significant impact or considerable risk, the president may request an urgent approval. To request an urgent approval, the president shall submit to the Board chair a statement describing the matter and the basis for immediate action. If the Board chair determines that immediate Board action is necessary, then OBR shall attempt to contact all Regents to assemble a quorum of the Board for a meeting as soon as possible.

- (a) If a quorum of the Board is available, the Board chair shall call a special or emergency meeting to act on the president's request.
- (b) If the Board chair determines that the circumstances giving rise to the president's request for urgent approval do not permit any attempt to contact all Regents, or if a quorum is not attainable prior to the anticipated significant impact or considerable risk described by the president, the Board chair, Board vice chair, and the respective committee chair may act on behalf of the Board.
 - i. Immediately following the granting of an urgent approval on behalf of the Board, the OBR shall distribute to all Regents notice of the approval and all materials provided to support the request.

- ii. At the next regular or special meeting of the Board following the approval, the urgent approval granted on behalf of the Board shall be presented to the Board for ratification.



REGENTS OF THE UNIVERSITY OF MINNESOTA

RESOLUTION RELATED TO

Amendments to Urgent Approval Authority

BE IT RESOLVED that the Board of Regents adopts the following amendments to Board of Regents Policy: *Board Operations and Agenda Guidelines*, Section V, Subd. 7, Urgent Approvals:

Subd. 7. Urgent Approvals.

~~Upon recommendation of the president, the Board chair, Board vice chair, and the respective committee chair may act on behalf of the Board when delay for Board approval could have a significant impact on the University's mission or poses a considerable health, safety, or financial risk. Urgent approvals shall be used judiciously and any such approvals will be reported to the Board or respective committee upon approval and included as an information item at the next scheduled meeting, consistent with Subd. 3 of this section.~~

When circumstances arise that require Board approval to prevent imminent and significant harm to health or safety or to the University's financial ability to maintain its operations, and when convening a regular, special, or emergency meeting of the Board prior to the imminent and significant harm is not possible, the president may request an urgent approval by the Board chair, Board vice chair, and the respective committee chair who may act on behalf of the Board.

To request an urgent approval, the president shall submit to the Board chair a statement describing the imminent and significant harm to health or safety or to the University's financial ability to maintain its operations if approval is not granted. If the Board chair determines that immediate Board action is necessary, then OBR shall attempt to contact all Regents to assemble a quorum of the Board for a meeting as soon as possible.

- (a) If a quorum of the Board is available, the Board chair shall call a special or emergency meeting to act on the president's request.
- (b) If the Board chair determines that the circumstances giving rise to the president's request for urgent approval do not permit any attempt to contact all Regents, or if a quorum is not attainable prior to the imminent and significant harm described by the president, the Board chair, Board vice chair, and the respective committee chair may act on behalf of the Board.

- i. Immediately following the granting of an urgent approval on behalf of the Board, the OBR shall distribute to all Regents notice of the approval and all materials provided to support the request.
- ii. At the next regular or special meeting of the Board following the approval, the urgent approval granted on behalf of the Board shall be presented to the Board for ratification.



BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

December 11, 2020

AGENDA ITEM: Board of Regents Policy: *Alcoholic Beverages on Campus*

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

This is a report required by Board policy.

PRESENTERS: Matt Kramer, Vice President, University Relations

PURPOSE & KEY POINTS

The purpose of this item is to review proposed amendments to Board of Regents Policy: *Alcoholic Beverages on Campus*. The proposed amendments are the result of a comprehensive review of the policy. They provide for the sale of licenses and sponsorship rights to alcoholic beverage manufacturers, and to allow production of alcoholic beverages by the University.

In addition to outlining the proposed amendments, the presentation will focus on:

- How the alcohol licensing and sponsorship higher education landscape has changed.
- The difference between licensing and sponsorship.
- The changes needed to Board and Administrative policies to allow alcohol licensing and sponsorship.
- Potential revenue opportunities, and how they would be managed.
- How contracting with alcoholic beverage manufacturers would work.
- How potential University production of alcoholic beverages for sale would be managed.
- Next steps

Each of these topics is covered in greater detail in Background Information, below.

Current Policy

Existing policies prohibit the University from the licensing and sponsorship of alcoholic beverages. This prohibition is in both Board of Regents Policy: *Alcoholic Beverages on Campus* (last amended February 7, 2013) and in Administrative Policy: *Brand Policy: Trademarks, Logos, Colors, and Seal* (last amended May 15, 2017).

Board of Regents Policy: *Alcoholic Beverages on Campus*, Section IV. Regulation of Alcoholic Beverages on Campus, subd. 5 Promotions and Marketing states:

The University shall not accept alcohol promotion, marketing, advertising or sponsorship at its venues and in its publications. Exceptions may be made in accordance with this policy and administrative policy for non-University activities, as determined by the president. University trademarks, trade names, service marks, logos, slogans, mascots, and other official identifiers or

symbols shall not be used in conjunction with alcohol advertising, promotion, marketing, distribution, or sale.

Administrative Policy: *Brand Policy: Trademarks, Logos, Colors, and Seal*, Prohibited Uses of University Trademarks:

- General Prohibition.

Neither the name of the University nor any University trademark may be used in any manner that could adversely affect the University's image or standing or would for any other reason be inappropriate for a public research university. Such proscribed uses include, but are not limited to, the use of University trademarks in connection with **alcoholic beverages**, cigarettes or other tobacco products, sexually oriented products or services, religious products, political parties or organizations, gaming or games of chance, and firearms.

The combination of these two policies effectively precludes the University from entertaining revenue opportunities to engage with interested alcoholic beverage manufacturers. Amending both policies will allow the University to pursue new relationships with alcohol manufacturers, statewide, to the benefit the University and its alumni. Sales of alcohol by definition cannot be made to minors, so this initiative only affects individuals 21 or older.

Within the Big Ten, only Penn State, Wisconsin, and Minnesota prohibit alcohol beverage licensing or sponsorships.

The proposed amendments have been consulted with the following groups:

- Chancellors
- University Senate Consultative Committee
- Student Senate Consultative Committee
- Council of Graduate Students
- Professional Student Government
- Minnesota Student Association

BACKGROUND INFORMATION

How the Alcohol Licensing and Sponsorship Higher Education Landscape Has Changed

The landscape for collegiate licensing and sponsorship has changed dramatically in just the last few years. The combination of the rise of the craft brewery and distillery movement and higher education's increased need for alternative revenue streams has led to greater flexibility in accepting alcohol licensing and sponsorships. The industry remains ripe for new products catering to a changing consumer. The introduction of hard ciders and seltzers has only accelerated the desire for those with an affinity to a given institution to seek out a branded beverage. This presents significant market opportunities for higher education institutions, including the University.

The University is a customer of Learfield IMG College through Learfield's local subsidiary, Gopher Sports Properties (GSP). GSP manages all sponsorships for Gopher Athletics as well as advertising sales for University-owned media. CLC (also a subsidiary of Learfield) is the University's designated licensing agent and works directly with Gopher Sports and University Relations for any companies requesting the use of University trademarks across the system. Learfield IMG College represents 54

of the 65 higher education institutions in the Power 5 Conferences (ACC, Big 12, Big Ten, SEC, Pac 12)

Higher education alcohol marketing is entirely a local and regional market decision. While alcohol marketing for national sports (the NFL, for example) extends across the country, alcohol marketing for collegiate sports is invariably tied to a given region or state. National brewers see collegiate sports as an untapped market that requires a customized, flexible approach. A one-size-fits-all model has limited value in a market that may feature only one statewide institution of higher education (like the University) and whose fan base does not meaningfully extend beyond the borders of the state. As a result, national brewers understand the need to be responsive to local conditions, including that institutions may desire to work with local craft brewers, many of whom are alumni.

Difference Between Licensing and Sponsorship

Licensing

In return for the right to use the University's name and marks on products, the company (called a licensee) is required to sign a license agreement, which sets forth the specific rights and responsibilities of the licensee and the University (the licensor). In exchange, the University receives a percentage royalty. The royalty is based on the wholesale cost of the goods and is essentially a "rental fee" for the use of the University's trademarks on the product.

In the case of licensing the University's trademarks to an alcohol beverage manufacturer, the marks may appear on a can (the beverage), on product packaging, or on material used in a bar or restaurant (e.g., tap-head or glass with beverage company name and a University logo).

Businesses who wish to license a mark approach the University (and are then forwarded to CLC) or approach CLC directly. CLC works with the University to define the terms of the engagement, and any licensing/branding concerns are addressed through interaction with University Relations. This is a very common process that occurs multiple times a week between CLC, the business interested in the license, and University Relations. For example, through CLC, Synergy Imports produces and sells t-shirts bearing the University's trademarks. The University (via Gopher Athletics) receives royalties from the sales of these t-shirts.

Sponsorship

Sponsorship means the provision by a non-University entity of money, goods, or services to a University school, college, department, or unit, in support of one or more activities, events, or programs. In return, the sponsor may be provided an acknowledgment of the sponsorship or receive other tangible return benefits. Sponsorships and sponsorship acknowledgments are not advertising, which is governed by a separate policy, and may not include an endorsement.

When a beverage manufacturer wishes to support a University program or activity, they are categorized as a sponsor. They would then use this line on all marketing materials: "Proud sponsor of "<unit name>." The University expects, and could demand as part of any business arrangement, that all such engagements be directed at University Athletic programs, not at any other activity of the University. This would only apply to the four University campuses with athletic programs.

For example, Subway may provide support for Gopher Athletics through a set, agreed-upon sponsorship fee. In exchange, Subway's name is posted in TCF Bank Stadium using "proud sponsor" language. The sponsorship agreement may also allow Subway to indicate on its store signage that it is a proud sponsor of Gopher Athletics. This statement may include the Block M

but in no way would it appear that the store or product is endorsed by, labeled, named for, or affiliated with the University.

Changes Needed to Board and Administrative Policies to Allow Alcohol Licensing and Sponsorship

The proposed amendments to the Board policy allow the University to negotiate for alcohol advertising/sponsorship involving University marks and logos.

The related Administrative policy that implements the Board policy is owned by the Office of University Relations and is revised per the Administrative policy development process. A draft of the revised Administrative policy is included in the docket for your reference, but does not require Board action. The Administrative policy will be updated only if the Board approves the proposed amendments to the Board policy.

It is expected that the expansion of alcohol licensing and sponsorship will result in additional questions and needed clarifications beyond those provided by the two respective policies. University Relations, Gopher Athletics, and representatives of each campus will form a project team to review implementation and provide clarification and guidance as necessary. The team will provide regular updates to both the Board and the Office of the President.

Potential Revenue Opportunities and How They Would be Managed

Based on market analysis by Learfield IMG College, the statewide revenue for the Twin Cities campus alone is estimated at over \$300,000 a year. All licensing and sponsorship revenue on the Twin Cities campus would accrue to the benefit of Gopher Athletics. The other system campuses would receive the earned revenue from their markets.

Learfield IMG College notes that while the Twin Cities campus has the strongest affinity for manufacturers, there are numerous examples of much smaller markets engaging in alcohol licensing and sponsorships. This suggests that it may be possible for the Duluth campus in particular to use their marks, including “Champ,” in a local licensing deal with a craft brewery. The market size for Crookston and Morris is very small and, in those cases, larger markets (Grand Forks and Fargo, respectively) exist close by and limit the desire by beverage manufacturers and distributors to engage in licensing and sponsorships with those campuses.

If these policy changes are adopted, the University will notify alcoholic beverage manufacturers of its willingness to entertain licensing and sponsorship arrangements. University Relations will work with Learfield IMG and its divisions to pursue all licensing and sponsorship agreements.

Business Model

The University will select a business model that provides the maximum degree of support for statewide sales (thus maximizing revenue) while still allowing flexibility of market-specific engagements with local manufacturers. This increases the University’s ability to engage with local alumni and support local businesses.

Three different business models define the terms of engagement for licensing of alcoholic beverages. All parties have a shared responsibility to manage reputational risk, emphasize responsible drinking by consumers, and protect the integrity of the University trademarks used. The three models are:

1. National Model: Single large beverage manufacturer – In the United States this effectively limits the competition to Anheuser-Busch InBev and Molson Coors, who between them have approximately a 65 percent market share. While this has been declining over time, the strength of their respective brands still dominates the beverage market.

The advantage of a single large manufacturer is that it dramatically reduces the University's cost of doing business (only have to contract with one business) and increases the ability to influence desired outcomes (again, consistent with a single focal point). In addition, there are downstream business advantages in having a national firm that can work with local beverage distributors at each campus location and with actual retail alcohol sales (as in the case of Aramark in the Twin Cities). A national firm comes with significant resources for responsible drinking messaging, which they would bring to the table in the normal course of their business operations.

The disadvantage is that contracting with a single large national manufacturer effectively prevents alumni who have started alcohol manufacturing businesses in Minnesota, and who have an affinity for the University, from engaging with the University in a mutually supportive business arrangement. A national firm is "buying" exclusivity via their licensing fee and generally would not allow the University to license separate engagements with local firms. While this kind of deal maximizes revenue to the University, it has the downside of only engaging with a national firm that has little local representation in Minnesota. Finally, national firms have little interest in supporting low-volume runs of a beverage, as would likely be the case in student-led initiatives, and while the national firms might not discourage such activities, they almost certainly would not actively support them to the degree they would their own brands.

2. Local model: Small craft brewers only – In this model the University would focus its efforts entirely on local brewers across the state. While supportive of a "Made in Minnesota" approach, this model has significant downsides.

First, most smaller brewers have very limited responsible drinking initiatives. Smaller brewers lack the resources of the large national companies, and when they do exist, they are at a much-reduced level of intensity.

Second, smaller brewers will cost the University significantly more to work with across the board. From contracting to brand compliance, many smaller brewers either have limited staff (and legal support) or contract separately for these functions. The University's operational expenses will go up as multiple partners are sought.

Third, the level of financial compensation to the University will drop significantly. Learfield IMG College notes that smaller brewers have limited capacity to purchase licensing, and when they do, their commitment reflects that they understand the limitations of their market share. This results in far less revenue to the licensor (the University) even when multiple smaller breweries may be involved.

3. Hybrid Model: Large beverage manufacturer plus local brewers – In the hybrid model the University would still engage with a national firm but would indicate its desire to engage with Minnesota manufacturers. While this model reduces licensing revenue, as the major brewer is no longer buying exclusivity, it has the major advantage of allowing the University to reward interested local Minnesota firms that wish to do business with it. Importantly, the national brewer would still bring the bulk of the revenue and its responsible drinking assets to the engagement.

In addition, the hybrid model accommodates student-led initiatives. It provides flexibility in determining the “buy-in” revenue contribution of brewers for whom the University may have reason to support (like students). While student-led initiatives are not yet an option at the University, future initiatives or programs may allow for the implementation of brewpubs or student production as part of assigned class work or club activity. Any production provision would require Board approval.

If the Board approves the proposed policy amendments, the administration intends to pursue the Hybrid Model.

How Contracting with Alcoholic Beverage Manufacturers Would Work

Learfield IMG College has informed the University that their approach, as the University’s designated agent, is to work with the University team (University Relations, Gopher Athletics, and representatives from each campus) to develop the master engagement model before soliciting bids from national brewers. The master engagement model would include all aspects of how the University wishes to see the deal proceed. Typical components in an engagement model include:

- What University trademarks can be used, and how.
- What level of responsible drinking support is required (for example, national brewers often staff, at their own expense, a sober ride experience at sporting events and supply non-alcoholic beverages to designated drivers).
- Acknowledgement that a deal is non-exclusive (allows for craft participation).
- Definition of the geography for any deal (for example, major brewers are most interested in the Twin Cities).
- An allowance for student-led initiatives.

How Potential University Production of Alcoholic Beverages for Sale Would be Managed

The proposed amendments clarify that the Board reserves to itself authority to approve the production of alcoholic beverages for sale when either produced on University property or by the University. This change is in response to academic units expressing interest in creating initiatives that would produce and sell alcoholic beverages much in the same way other products such as meat, cheese, and ice cream are produced and sold at the University.

While there are no immediate plans, the change provides the opportunity for either student-led initiatives with local producers or the creation of a brew pub or other concept for the sale of University-produced alcoholic beverages. Any production for sale would require Board approval and the necessary authorization by license or state law before proceeding.

Next Steps if Amendments Are Approved

Once the team and Learfield IMG College have clarified expectations, the University would proceed to the market for proposals. Proposal evaluations would follow normal University policies and processes. While the University would seek a multi-year deal for vendor stability, responses will determine if that approach is viable.

Alcohol licensing closely ties to the football season (the major business opportunity), so ideally this process would be done by spring so the selected vendor could take full advantage of the fall 2021 season. Learfield IMG College informs the University that in descending order the major marketing opportunities tied to sports are men’s football, men’s basketball, and men’s hockey.

Once a national deal was secured, the University would formulate local deals with Minnesota manufacturers. University Relations would advise (with Learfield IMG College) campuses on their local deals. Any such deals with a total value of \$1 million or more will require Board approval.

PRESIDENT'S RECOMMENDATION

The President recommends adoption of the proposed amendments to Board of Regents Policy: *Alcoholic Beverages on Campus*.



BOARD OF REGENTS POLICY: *Alcoholic Beverages on-Campus*

SECTION I. SCOPE

This policy governs the use, possession, distribution, consumption, promotion, marketing, licensing, and sale of alcoholic beverages at or by the University of Minnesota (University).

SECTION II. DEFINITIONS.

Subd. 1. Alcoholic Beverages.

Alcoholic beverages shall have the meaning provided by state law.

Subd. 2. Employee.

Employee shall mean an individual employed by the University, including a student employee, when acting within the course and scope of employment.

Subd. 3. Student.

Student shall mean an individual taking at least one University course or class, credit or noncredit, or participating in any academic program administered by the University.

Subd. 4. University Housing.

University housing shall mean all places of residence owned or leased by the University in which students reside.

Subd. 5. University Property.

University property shall mean all real property, buildings, and facilities under the primary control of the University through ownership, lease, or other means.

Subd. 6. Visitor.

Visitor shall mean any person who is on University property, except an employee or student.

SECTION III. GUIDING PRINCIPLES.

The following principles shall guide the application of standards and expectations for the use, possession, distribution, consumption, promotion, marketing, and sale of alcoholic beverages at the University.

Subd. 1. Compliance.

The University shall comply with all applicable local, state, and federal laws related to the use, possession, distribution, consumption, and sale of alcoholic beverages on campus. The University expects compliance from employees, students, and campus visitors.

Subd. 2. Education and Counseling.

The University is committed to offering and promoting counseling, education, and prevention programs and activities related to: (a) personal responsibility and moderation in alcohol consumption; (b) the association between excessive alcohol consumption and high risk behaviors; (c) the benefits of abstinence; and (d) the prevention, diagnosis, and treatment of alcohol misuse and abuse.

Subd. 3. Health and Safety.

The University is committed to promoting a healthy and safe living and learning environment for its employees, students, and visitors.

SECTION IV. REGULATION OF ALCOHOLIC BEVERAGES ~~ON CAMPUS.~~

Subd. 1. Unauthorized Use.

The unlawful or unauthorized use, possession, distribution, consumption, promotion, marketing, or sale of alcoholic beverages is prohibited on University property or as part of any University activity.

Subd. 2. Authorized Use.

The responsible and lawful use, possession, distribution, or consumption of alcoholic beverages for social and celebratory purposes on University property is permitted only when authorized by the president or delegate in accordance with this policy and administrative policy and procedures.

Subd. 3. University Housing.

Administrative policies approved by the president or delegate shall govern the use, possession, and consumption of alcoholic beverages in University housing. The policies shall clearly specify appropriate areas, times, and circumstances and fully recognize and protect the rights and needs of all residents.

Subd. 4. Sale.

The sale of alcoholic beverages on University property is prohibited, except when authorized by license or state law and approved by the Board of Regents (Board).

Subd. 5. Production for Sale.

The production of alcoholic beverages on University property for sale or by the University for sale is prohibited, except when authorized by license or state law and approved by the Board.

Subd. ~~5~~6. Promotions and Marketing.

The University ~~shall not~~may accept ~~alcohol~~ promotion, marketing, advertising or sponsorship of alcoholic beverages at its venues and in its publications. ~~Exceptions may be made in accordance with this policy and administrative policy for non-University activities, as determined by the president.~~ University trademarks, trade names, service marks, logos, slogans, mascots, and other official identifiers or symbols ~~shall not~~may be used in conjunction with licensing, alcohol advertising, promotion, marketing, distribution, or sale of alcoholic beverages. Alcohol promotion, marketing, or advertising of alcoholic beverages displayed in or on University property primarily used for academic or research purposes or in University housing shall be approved by the president and reported to the Board before implementation.

SECTION V. ENFORCEMENT.

Violation of this policy may result in the following University sanctions, in addition to any other sanctions imposed by law:

Subd. 1. Employees.

Violation of this policy by an employee constitutes misconduct subject to University discipline that may include termination.

Subd. 2. Students.

Violation of this policy by a student is a violation of, and shall be adjudicated in accordance with, Board of Regents Policy: *Student Conduct Code*.

Subd. 3. Visitors.

Violation of this policy by a visitor shall result in a request to leave the University property, function, or event, and may result in a directive prohibiting access to University property.

SECTION VI. IMPLEMENTATION.

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

REVISION HISTORY

Adopted: February 8, 1974

Amended: September 8, 2006; February 7, 2013

Supersedes: policy dated April 8, 1969.



Brand Policy: Trademarks, Logos, Colors, and Seal

Responsible University Officer(s): Vice
 ● President for University Relations

Policy Owner(s):
 ● Chief Marketing Officer

Policy contact(s):
 ● Laura Johnson

Date Revised:
 May 15, 2017

Effective Date:
 May 7, 2009

Policy Statement

This policy governs the use of all University trademarks (see definition) for any purpose and applies to the entire University system. Consistency in the use of University trademarks strengthens their value and our ability to protect them from unauthorized use. The Office of University Relations should be consulted whenever it is not clear whether a proposed use is permissible.

General

Campuses, colleges, departments and individuals may only use University trademarks in strict accordance with this policy and the graphics requirements on the Brand website. In general:

- No University trademark may be altered or combined with any other mark or element.
- A unit may use its name with the University's wordmark only as outlined on the brand site.
- The wordmark is required on all official internal and external communications, excluding individual email messages.
- University colors and branded elements must appear prominently on all official communication and marketing materials.
- The use of official University letterhead and business cards is required in all matters of official University business.
- The use of taglines, icons or graphics as logos or in logos for University units is prohibited.
- All umn.edu websites must use an official web template header and footer.
- Use of University trademarks in print and electronic materials including email and social media must conform to brand requirements.
- University trademarks may be used on commercial merchandise only by persons and entities licensed by the University's exclusive licensing agent.

Regents of the University of Minnesota Seal [Regents Seal]

The Regents Seal may be used only as authorized in Board of Regents Policy. It is reserved for use on official documents bearing the signature of a regent, the president or a vice president, chancellor, or dean; on official University awards; and in connection with events or facilities that are frequently used by or have a unique connection to the Board of Regents or president. To request use of the seal, contact the Office of University Relations.

University Brand

Driven to Discover is the official brand of the University. All University Units should use Driven to Discover and brand elements available on the Our Brand site.

Use of University Trademarks and Logos

- By University Colleges, Schools, Departments, and Other Units

Units are required to use the wordmark, and may use the block M, in connection with official University business. System campuses must use the appropriate wordmark and block M combination for their campus in connection with official University business and in their official web headers. University units may also use the mascot marks as appropriate in less formal circumstances.

Each of the University's units has unique attributes that enrich the University brand. When developing individual marketing programs to highlight their unique attributes, units are encouraged to work with the Office of University Relations to assure the successful integration of such programs with the University brand.

- By Student Organizations

Registered student organizations on all campuses may use the block M and mascot marks if such use complies with guidelines in the Student Group Policy Handbook under the heading, "Student Group Name and Logo Use". Registered student organizations may not use any other University trademarks. No University trademark may be altered.

- By Faculty, Staff, and Students

- No individual faculty, staff, student, or group may use any University trademark or the official web template header and footer, or refer to their affiliation with the University, to indicate support or endorsement of anything that is not official University business. Potential confusion should be dispelled by adding a disclaimer stating that the University is not involved in the subject of the statement. This is also addressed in Board of Regents Policy: Academic Freedom and Responsibility and Board of Regents Policy: Outside Consulting and Other Commitments. Coaches employed by the University who operate private summer athletics camps on the University campus and do not operate any other camp business may use the block m and mascot marks in connection with such camps if such use complies with Administrative Procedure: Outside Consulting and Other Commitments by Intercollegiate Athletics Staff.

- By Persons and/or Entities Outside the University

University trademarks may be used by persons or entities outside the University only pursuant to a license, memorandum of understanding, or sponsorship agreement stating the terms and conditions of such use. All memoranda of understanding and sponsorship agreements are subject to the approval of the Office of General Counsel.

Prohibited Uses of University Trademarks

- No Endorsements.

Neither the name of the University nor any University trademark, including University colors, may be used in any way that states or implies endorsement of a commercial product or service, gives a false impression, is misleading, or could cause confusion regarding the University's relationship with any person or entity. Statements that the University is a user or purchaser of a product or program are permitted if true.

- General Prohibition.

Neither the name of the University nor any University trademark may be used in any manner that could adversely affect the University's image or standing or would for any other reason be inappropriate for a public research university. Such proscribed uses include, but are not limited to, the use of University trademarks in connection with **alcoholic beverages**, cigarettes or other tobacco products, sexually oriented products or services, religious products, political parties or organizations, gaming or games of chance, and firearms.

Violations

If a violation of this policy is identified, units will be required to work with the Office of University Relations to determine the action needed, which may include redesign of print and/or electronic materials. With respect to all violations of this policy, the University reserves its right to seek appropriate remedies under applicable federal or state law.

Exceptions

Units may submit a request for a special exception to University Relations for consideration.

Reason for Policy

To implement Board of Regents Policy: *Founding Date, Corporate Name and Seal, and University Marks*. The University is a complex institution that is known for many things, including excellence in research and scholarship; the advancement of learning; the fostering of creativity; and the further sharing of these things among diverse constituencies through outreach and public service. A key aspect of representing the University's diverse body of work successfully to the larger world is the continued development and maintenance of a consistent visual and brand identity - a consistent use of University trademarks.

A consistent use of the University's brand brings together the efforts of all who constitute the University; it unifies and strengthens the University's reputation; and it distinguishes the University of Minnesota from other institutions of higher learning, enhancing its relationships with all constituencies, public and private.

Procedures

There are no procedures associated with this policy.

Forms/Instructions

There are no forms associated with this policy.

Appendices

There are no appendices associated with this policy.

Frequently Asked Questions

- [FAQ: Brand Policy: Trademarks, Logos, Colors, and Seal](#)

Contacts

Subject	Contact	Phone	Email
Primary Contact(s)	Laura Johnson	612-626-3527	lkj@umn.edu
General Information	University Relations	612-624-6868	brand@umn.edu

Definitions

Block M

The logo that consists of the capital letter "M" in the distinctive graphic design that is unique to the University. See "Block M" on the Our Brand website. Note that the block M is a graphic design, not a font or a style of type. There are three

versions of the block M: solid, single outline, and double outline. Official versions in the approved color combinations are available on the Our Brand website.

Brand Elements

The basic components of the University's brand, which include the following:

- Block M
- Driven to Discover and brand elements
- Mascot marks
- University colors
- Wordmark

Mascot Mark

A University mark that features the mascot of one of the system campuses. Official versions of the mascot marks in the approved color combinations are available from the Office of University Relations on each system campus and, for the Twin Cities campus, on the Our Brand website.

The Mascot Marks are as follows:

- Crookston campus: the golden eagle (Regal the Eagle)
- Duluth campus: the bulldog (Champ the Bulldog)
- Morris campus: the cougar (Pounce the Cougar)
- Rochester campus: the raptor (Rockie the Raptor)
- Twin Cities campus: the gopher (Goldy Gopher; there are two forms, known as "Running Goldy" and "Leaning Goldy.")

Official University Business

Work that supports the University's mission of teaching, research, and public service including programs and events sponsored by the University and activities conducted in the ordinary and regular course of business of the University.

Regents Seal

The corporate seal of the University of Minnesota.

Sponsorship Agreements

Agreements documenting the provision of financial or other support for the University and the manner in which it will be publicly acknowledged.

University Brand

Driven to Discover and related creative elements. See Our Brand website for use guidelines.

University Colors

Maroon and gold, in the specifications given on the Our Brand site. No similar color, regardless of its specifications, may be used in a way that could cause confusion with a University Trademark.

University Trademarks

All words, logos, or symbols used to identify or distinguish goods or services as coming from or being affiliated with the University, whether or not they have been registered with the U.S. Patent and Trademark Office or any other authority. University trademarks include the Regents Seal, Driven to Discover, the wordmark, the block m, and the mascot marks. The term also includes the University colors, though not every use of one or both of those colors constitutes use of a University trademark. Contact the Office of University Relations with any question about the proper use of University trademarks.

University Unit

All campuses, colleges, institutes, schools, departments, offices, and centers that are a part of the University.

Wordmark

The logo that consists of the words "UNIVERSITY OF MINNESOTA" as a distinctive graphic design that is unique to the University and cannot be replicated in type.

Unit Wordmark Combination

A version of the wordmark that includes the name of a college, department, institute, or other University entity and is created as explained on the Our Brand website.

Responsibilities

Office of University Relations

Responsible for communicating, interpreting, and enforcing this policy.

University Communicators

Responsible for knowing and understanding this policy and complying with it in all communication and marketing materials, print or electronic.

Office of the General Counsel

Responsible for reviewing and acting on memoranda of understanding and sponsorship agreements, and communicating with University Relations when such documents include marketing or branding considerations.

Related Information

Related Policies and Procedures

- Board of Regents Policy: [Academic Freedom & Responsibility](#)
- Board of Regents Policy: [Associated Organizations](#)
- Board of Regents Policy: [Founding Date, Corporate Name and Seal, and University Marks](#)
- Board of Regents Policy: [Outside Consulting and Other Commitments](#)
- Administrative Procedure: [Outside Consulting and Other Commitments by Intercollegiate Athletics Staff](#)

Other Related Information

- [Our Brand - How to Convey It](#)
- [Twin Cities - University Relations](#)
- [Crookston - University Relations](#)
- [Duluth - University Marketing and Public Relations](#)
- [Morris - University Relations](#)
- [Rochester - Communications and Public Relations](#)
- [Office of University Relations](#)

History

Amended:

May 2017 - Comprehensive Review, Minor Revision. 1. Clarifies language throughout the policy. 2. Updates senior leader, responsible University office, and Policy owner information.

Amended:

December 2015 - Replaced the term "vendor" with "supplier" in Policy Statement and FAQ.

Amended:

June 2013 - Minor Revision, Comprehensive Review. Clarified that use of University Trademarks is prohibited on commercial merchandise unless produced through an appropriately licensed vendor. Added reference to email and social media to branding requirements for printed and electronic materials. Clarified when use of the Regents Seal is appropriate. Clarified when University Trademarks may be used by persons or entities outside the University. Contacts, definitions and responsibilities also updated.

Amended:

November 2010 - Clarified workmark requirements for mass email. Language now reads: "The Wordmark is required on all official internal and external communications, excluding individual email messages. The Wordmark is required on mass email messages that include a HTML message part.

Effective:

May 2009



ALCOHOL POLICY RECOMMENDATION



PROPOSAL

Amend two U of M policies to provide for the sale of licenses and sponsorship rights to alcoholic beverage manufacturers.



BOARD OF REGENTS POLICY ALCOHOLIC BEVERAGES ON CAMPUS

The University shall not accept alcohol promotion, marketing, advertising or sponsorship at its venues and in its publications. Exceptions may be made in accordance with this policy and administrative policy for non-University activities, as determined by the president. University trademarks, trade names, service marks, logos, slogans, mascots, and other official identifiers or symbols shall not be used in conjunction with alcohol advertising, promotion, marketing, distribution, or sale.



ADMINISTRATIVE POLICY

BRAND POLICY: TRADEMARKS, LOGOS, COLORS, SEAL

Neither the name of the University nor any University trademark may be used in any manner that could adversely affect the University's image or standing or would for any other reason be inappropriate for a public research university. Such proscribed uses include, but are not limited to, the use of University trademarks in connection with alcoholic beverages, cigarettes or other tobacco products, sexually oriented products or services, religious products, political parties or organizations, gaming or games of chance, and firearms.

WHAT HAS CHANGED?

Rise of craft brewery and distillery movement



Need for alternative revenue streams



WHAT HAS NOT CHANGED?

Alcohol marketing for college sports is local and regional



REFRESH RESPONSIBLY
21 MEANS 21*

Chill RESPONSIBLY
RIDE FREE ON DART THIS NEW YEAR'S EVE
6 P.M. DEC. 31 THROUGH END OF SERVICE
DART.ORG

CELEBRATE RESPONSIBLY DART TRE
BORN IN THE ROCKIES ESTD 1978

70 66
60 63
50 60
40 57

CESAR O. | ARRESTED FOR PUBLIC INTOXICATION | 10.16.10

63
60
57
54

SHARYN W. | ARRESTED FOR PUBLIC INTOXICATION | 10.15.01

Ultra
Brewery

KNOW WHEN TO SAY WHEN

DON'T LET HALLOWEEN HAUNT YOU FOREVER.

Budweiser DRINK WISER

HYDRATE BETWEEN BUDDS

DON'T LET HALLOWEEN HAUNT YOU FOREVER.

Budweiser DRINK WISER

HYDRATE BETWEEN BUDDS

CARE ENOUGH TO GET HOME SAFELY

Budweiser GLOBAL BEER 9.16.16 RESPONSIBLE DAY

2018

Rose Bowl AMERICA'S STADIUM

Coors LIGHT

REFRESH RESPONSIBLY
TAKE THE PLEDGE TO GET HOME SAFE AT COORSLIGHTRESPONSIBILITY.COM

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LICENSING AND SPONSORSHIPS

Learfield / **IMG**
College



MORE THAN 130

of Learfield's 200 higher education partners allow for
alcohol licensing and sponsorship agreements

BIG

LANDSCAPE



HAVE ALCOHOL
SPONSORSHIP OR
LICENSING



DON'T HAVE ALCOHOL
SPONSORSHIP OR
LICENSING

LICENSING

A licensee obtains the right to use the U of M's name and marks on its products, in exchange for a royalty.



FRONT

SPONSORSHIP

A sponsor provides money, goods, or services to a U of M school, college, department, or unit, in exchange for acknowledgment or other tangible benefits.



THE ANNUAL REVENUE OPPORTUNITY FOR
GOPHER ATHLETICS ALONE IS ESTIMATED

\$300,000+



For our other system campuses, licensing and sponsorship revenue would benefit various units on each campus.

Business Models

BUSINESS MODEL #1



NATIONAL MODEL

Single large beverage manufacturer

BUSINESS MODEL #2



LOCAL MODEL

BUSINESS MODEL #3



HYBRID MODEL

Large beverage manufacturer + local companies

OUR RECOMMENDATION



HYBRID MODEL

Large beverage manufacturer + local companies

HOW WOULD LICENSING WORK?

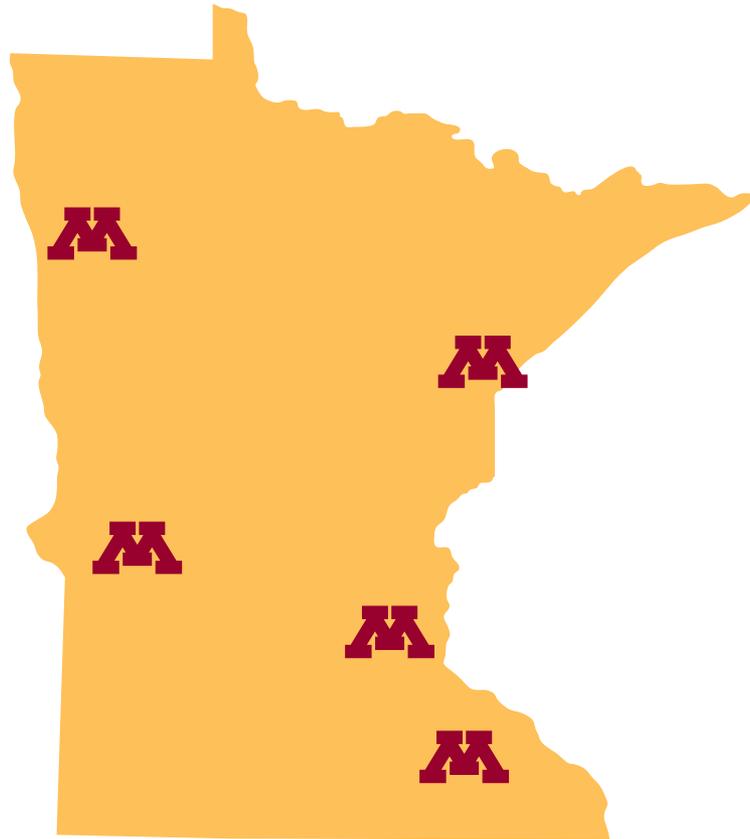
HOW WOULD LICENSING WORK?

- What University trademarks can be used and how



HOW WOULD LICENSING WORK?

- Definition of the geography



HOW WOULD LICENSING WORK?

- Acknowledgement that a deal is non-exclusive



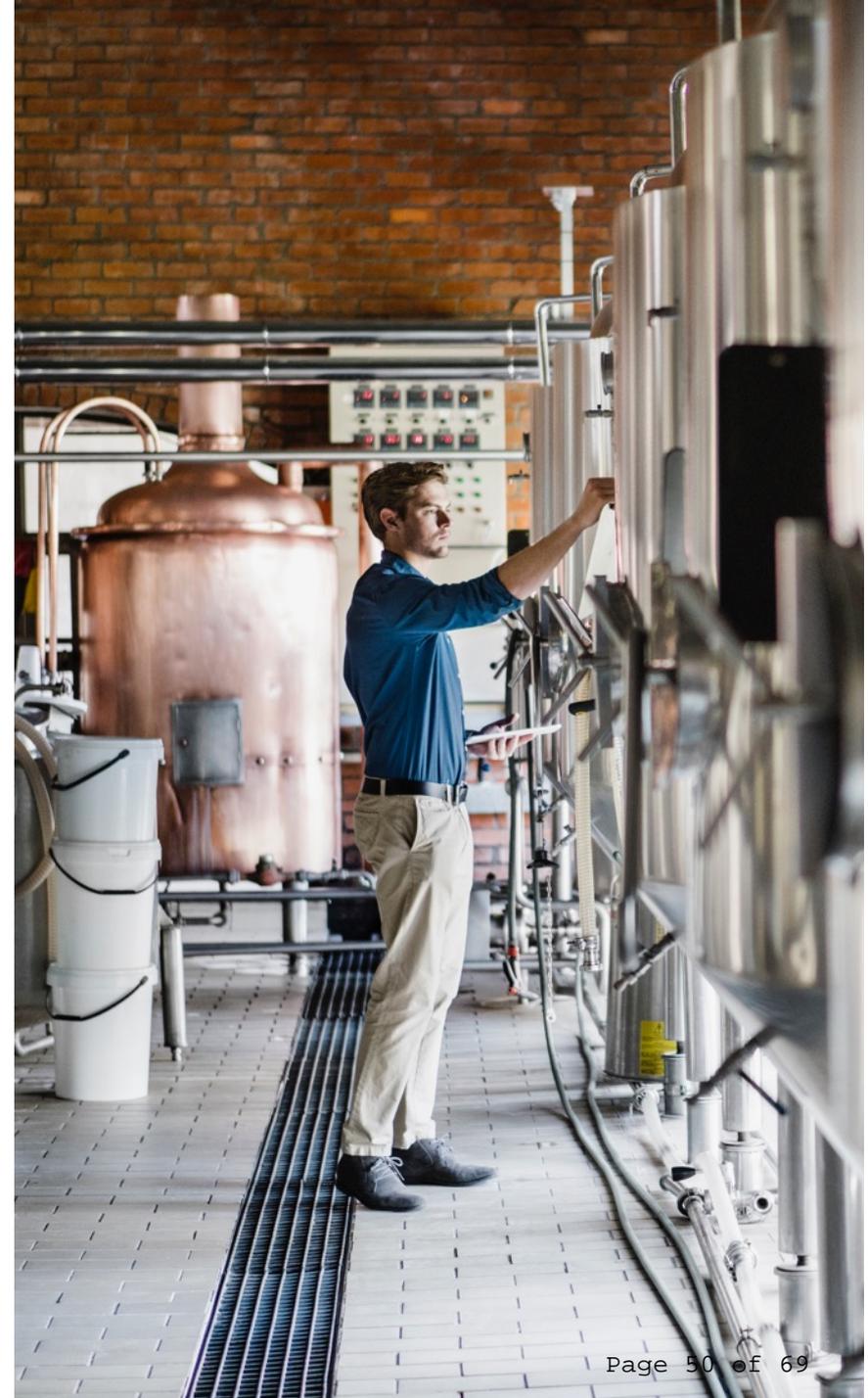
HOW WOULD LICENSING WORK?

- Allows for student-led initiatives



PRODUCTION BY THE UNIVERSITY OF ALCOHOL FOR SALE

- Board must approve production
- Opportunity for student-led initiatives
- State law must approve production



HOW WOULD SPONSORSHIPS WORK?

HOW WOULD SPONSORSHIP WORK?

- Sponsors logos placed in athletic venues



HOW WOULD SPONSORSHIP WORK?

- Sponsors use U of M marks with “proud sponsor” line



NEXT STEPS

NEXT STEPS

- Take to market for proposals
- Choose vendors
- Prepare to launch in fall 2021
for all campuses





UNIVERSITY OF MINNESOTA

Driven to Discover®



BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

December 11, 2020

AGENDA ITEM: Board Assessment Options and Considerations for Public University Governing Boards

Review

Review + Action

Action

Discussion

This is a report required by Board policy.

PRESENTERS: Sarah Dirksen, Deputy Director, Office of the Board of Regents

PURPOSE & KEY POINTS

The purpose of this item is to review various board assessment options in the context of public higher education, and discuss whether the Board wishes to take steps toward implementing its own assessment process.

The Governance & Policy Committee’s 2020-21 workplan included discussion of options for a potential Board assessment. At its December meeting, the committee will discuss:

- Why boards conduct assessments.
- Assessment approaches.
- How boards of public universities, including Big Ten peers, approach assessment.
- Assessment hurdles.

Why Boards Conduct Assessments

Gathering feedback on the effectiveness of a governing board is a best practice. While specific reasons to conduct an assessment vary by type of board or sector, typical objectives for board assessment generally fall into one of two broad categories – process or people.

For a public higher education board, process objectives may include assessing:

- How effectively the board is structured in terms of its leadership, committees, and meetings.
- How well the board is setting strategic direction, providing fiduciary oversight, and ensuring delivery of the institution’s mission.
- Whether the board’s policies and procedures are current and based on best practices.

People objectives may include assessing:

- Strength of relationships – among board members, with the chief executive, with the administration, with the faculty, and with key stakeholders.
- Health of the board’s culture.

Regardless of specific objectives, a well-designed assessment process can:

- Provide a snapshot of how well a board is functioning at a particular point in time, including establishing a baseline of key measures that can be repeated to track progress.
- Build common understanding among board members of where the board is now and begin a conversation about where it needs or wants to go as a governing body.
- Focus board member introspection on actual performance compared to agreed-upon standards and requirements.
- Validate that a board is in step with recommended governance practices.
- Elicit candid feedback from each board member about board dynamics, operations, structure, and performance – offering a safe format for raising issues or concerns, including highlighting minor problems before they become big ones.
- Identify gaps in what board members believe they need to be successful, topics for future board education, and/or future items for the governance committee.
- Determine how a board’s effectiveness is perceived by those within or outside the organization, especially where perceptions differ with those held by the board itself.

Board assessments are ill-suited to solve problems with or between individual board members; place blame or point fingers, especially for events in the past; or as a quick fix to transform a board overnight.

To achieve its objectives, the assessment process requires a commitment of time (and perhaps financial resources); a willingness on the part of board members (at a minimum) to provide thoughtful reflection on their individual and collective performance; and an interest by board members in first evaluating and then working together to improve the governing body.

Assessment Approaches

After setting its objectives, a board determines which assessment approach will work best to meet those objectives – what should be evaluated, whether the assessment should be administered in-house or by an external resource, and how and when the process should be conducted and communicated. One or more of the following methods may be employed:

Self-assessment

In a self-assessment, a board gathers feedback solely from its members. This is the most common form of board assessment.

If a board has little experience with any type of self-assessment, it may start by asking its members to share feedback about their individual performance and needs. However, it’s more typical to use self-assessment to evaluate the collective performance of the board, including its structure, meetings, and leadership.

Self-assessments allow a board to focus internally on the perceptions and viewpoints of its members, who may be in the strongest position to evaluate the true functioning of the body and make improvements over time. That said, self-assessment alone can miss blind spots or areas for improvement. In addition, on very small boards if even a few board members choose to not participate the resulting feedback can be unhelpfully incomplete.

360-degree assessment

In a 360-degree assessment, a board gathers feedback from both its members and select non-members. At a public university, the board might include in its assessment feedback from the president; shared governance leaders from faculty, staff, and/or students; senior administrators; legislators; and external members of the alumni, donor, and/or business communities.

This type of approach gives important constituents the chance to comment on the board's performance and can help the Board understand how it is perceived within the university community. It also signals an openness to feedback that can help build trust and confidence in board governance. However, selecting reviewers can be difficult or political, and some reviewers may hesitate to be candid.

Document/process evaluation

Typically conducted by an external firm or consultant, document/process evaluation involves review of a board's core governance documents such as its bylaws, agendas, dockets and minutes; observation of committee and board meetings; and review of objective data such as strategic plan metrics or other institutional trend data. This external review is typically summarized in a report and shared with the board as part of a facilitated discussion of board performance and next steps.

This approach provides objective, independent feedback. It can be combined with self-assessment and/or 360-degree assessment for a more in-depth, comprehensive review of the board's functioning. The cost of an external firm is a key barrier to this approach.

Assessment by Public University Boards

According to the Association of Governing Boards of Colleges and Universities (AGB), only about one-third of public college and university boards conduct assessments annually. Outreach to 12 Big Ten peers by the Office of the Board of Regents this fall found that the boards of five universities do not use an assessment process. Five others recently conducted a self-assessment via survey, while one recently conducted a self-assessment using an outside consultant.

Hurdles

Three practical hurdles exist to building a culture of assessment on a public higher education board:

1. Sunshine laws – Much of the value of a board assessment is found in a board understanding perceptions of its effectiveness, and then candidly discussing where and how it needs to improve. Sunshine laws (such as Minnesota's Data Practices Act and Open Meeting Law) typically impact the confidentiality of a board assessment's results, discussion, and/or response. In addition, a lack of confidentiality or anonymity of comments may lead both board members and outside reviewers to be less forthcoming.
2. Board-building – Public boards aren't self-perpetuating; they have little to no control over their own membership. Depending on their level of autonomy from the state, some public boards may also have little control over their fundamental documents or key policies. These realities can leave some public boards less inclined to assess their people or processes if they believe they can do little or nothing with the information.

3. **Timing** – There is no one “perfect” or “best” time for assessment. Unlike boards with members that serve indefinitely or without term limits, the University’s Board of Regents is ever-changing, with one-third of the Board seats up for election every other year. Including long-standing Regents in an assessment process – especially those not seeking another term – can help capture perceptions formed over many years in almost an “exit interview” capacity. Capturing the first impressions of a brand new Regent can offer a fresh, outsider-like take on the Board. Assessments conducted near the end of a leadership term can help guide new leaders, while assessments conducted mid-term are better positioned to guide Board and committee leadership toward potential course corrections.

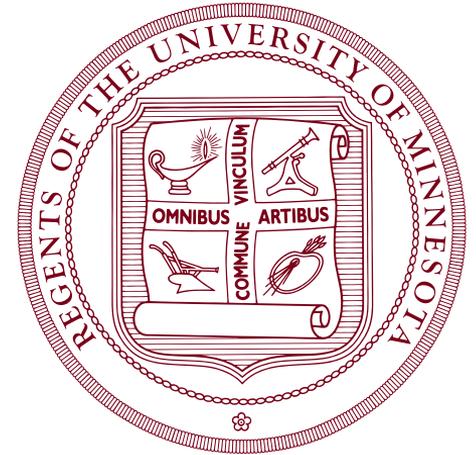
Discussion Questions

1. Does the Board see assessment as potentially adding genuine value to its work?
2. Does the Board wish to engage in an assessment process?
3. If so:
 - a. What objectives would the Board set for its assessment?
 - b. What approach would the Board want to use?
 - c. What timeframe makes the most sense given the Board’s election cycle?

Board Assessment Options and Considerations for Public University Governing Boards

Sarah Dirksen
Deputy Director

December 11, 2020



Overview

- Why boards conduct assessments
- Assessment methods
- Assessment by boards of public universities
- Hurdles



Why Boards Conduct Assessments

- Process objectives:
 - *Structure* - leadership, committees, meetings.
 - *Fundamentals* - strategic direction, fiduciary oversight, delivery of mission.
 - *Policies/procedures* - up to date, best practices.
- People objectives:
 - Strength of *relationships*
 - Health of board *culture*



Why Boards Should Not Conduct Assessments

- To address problems with or between individual board members.
- To place blame.
- As a quick fix, or to transform a board overnight.



Assessment Methods

- Self-assessment
 - Feedback solely from board members
- 360-degree assessment
 - Feedback from both members and people outside the board (president, shared governance, administration, etc.)
- Document/process evaluation
 - External review of core governance documents, meetings, and institutional data



Assessment by Public Higher Ed Boards

- Lower adoption rate than private institutions and nonprofits
- Few Big Ten peers report regular formal assessment



Three Key Hurdles

1. Sunshine laws
2. Board-building
3. Timing



Discussion Questions

- Does the Board see assessment as potentially adding genuine value to its work?
- Does the Board wish to engage in an assessment process?
- If so:
 - What objectives would the Board set for its assessment?
 - What approach would it want to use?
 - What timeframe makes the most sense given the Board's election cycle?





UNIVERSITY OF MINNESOTA

Driven to Discover[®]

Crookston Duluth Morris Rochester Twin Cities

The University of Minnesota is an equal opportunity educator and employer.