



Governance & Policy Committee

February 2021

February 12, 2021

8:00 a.m.

Videoconference

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

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BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

February 12, 2021

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 a revised resolution related to amendments to the Board’s urgent approval authority. The revised resolution seeks to amend the urgent approval authority defined by Section V, Subd. 7 of [Board of Regents Policy: Board Operations and Agenda Guidelines](#). The resolution was updated to address the committee’s discussion at the December meeting.

If the resolution is adopted, the urgent approval process will:

- Require the President to submit a request, either orally or in writing, to the Board chair describing the matter and the basis for immediate action.
- Direct that if the Board chair determines that the circumstances and timeline of the urgent approval request prevents all Regents from being contacted in order to hold a special or emergency meeting, or if a quorum of the Board is not available, the Board chair may act on behalf of the Board.
- 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 as either a separate information item or for action as appropriate.

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. The committee further discussed the resolution at the December meeting and postponed action until the February 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 waiting for the next scheduled meeting to obtain Board approval on a particular matter could have a significant impact on the University's mission or poses a considerable health, safety, or financial risk, the president may request an urgent approval. To request an urgent approval, the president shall submit orally or in writing to the Board chair a statement describing the matter and the basis for immediate action.

After reviewing the circumstances and timeline of the urgent approval request, the Board chair shall determine if there is time to attempt to contact all Regents in order to hold a special or emergency meeting. If the Board chair determines that there is not time to contact all Regents or if a quorum of the Board is not available, the Board chair may act on behalf of the Board. In the absence of the Board chair, the Board vice chair shall perform the duties of the chair consistent with this subdivision and in alignment with the Bylaws. 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.

At the next meeting of the Board following the approval, the urgent approval granted on behalf of the Board shall be presented to the Board as a separate information item, consistent with Subd. 3 of this section, or for action, as appropriate.



BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

February 12, 2021

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 action on proposed amendments to Board of Regents Policy: *Alcoholic Beverages on Campus*. Since the committee reviewed the amendments in December, the following changes have been made:

- The addition of language in Section IV, Subd. 6 prohibiting the use of University mascots in promotions and marketing.
- The addition of language in Section IV, Subd. 6 requiring that a portion of the annual revenue generated from promotions and marketing be allocated to the University's education and counseling programs. The specific amount will be included as a component of the President's annual operating budget each year.

Also since the December review, University Relations met with the following:

- Several University groups concerned about the impact of alcohol consumption by underage minors, particularly students – While underage consumption is a concern, alcohol is a legal product. Products can only be sold to legal-age consumers, and any decision to buy or not buy a product is up to the consumer, just as it with all advertising and licensing. The University continues to support existing efforts by alcoholic beverage manufacturers to enforce legal age restrictions on purchase and efforts to educate consumers on the risks of overconsumption.
- The Duluth campus, on issues of both student alcohol consumption and campus-specific needs – If the policy is approved, each campus could (consistent with guidance from the Office of the General Counsel) implement solutions that match campus needs and campus culture. There is no “one size fits all” and the needs and concerns of one campus might not be the same as on a different campus.
- Leadership of the University of Minnesota Alumni Association (UMAA) – UMAA voiced its support for this initiative, noting it provides a new mechanism for alumni to demonstrate their support for the University. Members of UMAA are, with rare exceptions, all over the age of 21.

BACKGROUND INFORMATION

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. 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.

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

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. 56. 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. ~~The use of University mascots is prohibited. Alcohol p~~

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.

A portion of the annual revenue generated from the promotion, marketing, advertising, or sponsorship of alcoholic beverages shall be allocated to University education and counseling programs established under Section III, Subd. 2 of this policy. The president shall include the allocation as a component of the annual operating budget.

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



BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

February 12, 2021

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: Brian Steeves, Executive Director & Corporate Secretary

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 in late 2020 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

Brian Steeves

Executive Director & Corporate Secretary

February 12, 2021



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?
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