

**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

**Audit & Compliance Committee
June 9, 2022**

A meeting of the Audit & Compliance Committee of the Board of Regents was held on Thursday, June 9, 2022, at 8:00 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: Mike Kenyanya, presiding; Mary Davenport, Darrin Rosha, Bo Thao-Urabe, Steve Sviggum, and Kodi Verhalen.

Staff present: Chancellor Lori Carrell; Acting Chancellor Janet Schrunk Ericksen, Executive Vice President and Provost Rachel Croson; Executive Director Brian Steeves; and Chief Auditor Quinn Gaalswyk.

Student Representatives present: Seah Buttar and Riley Tuft.

The docket materials for this meeting are available [here](#).

INTERNAL AUDIT UPDATE

Regent Kenyanya invited Chief Auditor Gaalswyk to present the Internal Audit update, as detailed in the docket.

The docket materials for this item begin on page 3. The closed captioned video of this item is [available here](#).

FY 2023 INTERNAL AUDIT PLAN

Regent Kenyanya invited Auditor Gaalswyk to present the fiscal year 2023 Internal Audit Plan, as detailed in the docket

The docket materials for this item begin on page 36. The closed captioned video of this item is [available here](#).

The meeting adjourned at 8:55 a.m.



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

**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

**Litigation Review Committee
June 9, 2022**

A meeting of the Litigation Review Committee of the Board of Regents was held on Thursday, June 9, 2022, at 8:00 a.m. in the Hail! Minnesota Conference Room, 600 McNamara Alumni Center.

Regents present: Douglas Huebsch, presiding; James Farnsworth, Janie Mayeron, David McMillan, and Kendall Powell.

Staff present: General Counsel Douglas Peterson, and Executive Director Brian Steeves.

Others present: Brent Benrud, Dominic Detwiler, Sarah Dirksen, Carrie Ryan Gallia, Maria Pfister, and Tim Pramas.

The docket materials for this meeting are [available here](#).

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

The meeting convened in public session at 8:00 a.m. A motion was made and seconded that the following resolution be adopted:

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

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Minn. Stat. § 13D.01, Subd. 3 and 13D.05 Subd. 3(b), a non-public meeting of Litigation Review Committee be held on Thursday, June 9, 2022 at 8:00 a.m. in the Hail! Minnesota Conference Room, 600 McNamara Alumni Center, for the purpose of discussing attorney-client privileged matters including the following:

- I. Steven Staubus, et al. v. Regents of the University of Minnesota / Patrick Hyatte, et al. v. The University of Minnesota
- II. Viewpoint Neutrality Now! et al. v. Regents of the University of Minnesota, et al.
- III. Jessica Ehlers v. University of Minnesota

The committee voted unanimously to adopt the resolution and the public portion of the meeting ended at 8:01 a.m.

The meeting adjourned at 9:03 a.m.

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

BRIAN R. STEEVES
Executive Director and
Corporate Secretary

**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

**Finance & Operations Committee
June 9, 2022**

A meeting of the Finance & Operations Committee of the Board of Regents was held on Thursday, June 9, 2022, at 9:15 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: David McMillan, presiding; Mary Davenport, James Farnsworth, Douglas Huebsch, Ruth Johnson, Mike Kenyanya, Janie Mayeron, Kendall Powell, Darrin Rosha, Steven Sviggum, Bo Thao-Urabe, and Kodi Verhalen.

Staff present: President Joan Gabel; Chancellors Lendley Black and Lori Carrell; Acting Chancellor Janet Schrunk Ericksen; Executive Vice President and Provost Rachel Croson; Senior Vice President Myron Frans; Vice Presidents Michael Berthelsen, Michael Goh, Bernard Gulachek, Kenneth Horstman, Matt Kramer, Calvin Phillips, and Julie Tonneson; General Counsel Douglas Peterson; Executive Director Brian Steeves; Chief Auditor Quinn Gallswyk; and Associate Vice Presidents Stuart Mason and Michael Volna.

Student Representatives present: Emily Kurtz and Flora Yang.

The docket materials for this meeting are [available here](#).

PRESIDENT'S RECOMMENDED FY 2023 ANNUAL CAPITAL IMPROVEMENT BUDGET

Regent McMillan invited President Gabel, Senior Vice President Frans, and Vice President Berthelsen to present for action the President's recommended FY 2023 Annual Capital Improvement Budget, as detailed in the docket.

The docket materials for this item begin on page 4. The closed captioned video of this item is [available here](#).

A motion was made and seconded, and the committee voted unanimously to recommend approval of the President's Recommended FY 2023 Annual Capital Improvement Budget.

PRESIDENT'S RECOMMENDED FY 2023 ANNUAL OPERATING BUDGET

Regent McMillan invited President Gabel, Senior Vice President Frans, and Vice President Tonneson to review the President's recommended FY 2023 Annual Operating Budget, as detailed in the docket.

The docket materials for this item begin on page 33. The closed captioned video of this item is [available here](#).

A motion was made and seconded to recommend approval of the President's Recommended FY 2023 Annual Operating Budget.

Regent Rosha moved to amend the operating budget to freeze resident tuition and adjust expenses to correspond to the adjustment in tuition revenue. There was a second.

Rosha requested a roll call vote on his amendment. The vote was as follows:

Regent Davenport	No
Regent Farnsworth	Yes
Regent Huebsch	No
Regent Johnson	No
Regent Kenya	Yes
Regent Powell	No
Regent Rosha	Yes
Regent Sviggum	No
Regent Thao-Urabe	No
Regent Verhalen	No
Regent Mayeron	No
Regent McMillan	No

On a vote of 3-9, the Rosha amendment failed.

Rosha requested a roll call vote on the main motion to recommend approval of the President's Recommended FY 2023 Annual Operating Budget. The vote was as follows:

Regent Davenport	Yes
Regent Farnsworth	Yes
Regent Huebsch	Yes
Regent Johnson	Yes
Regent Kenya	Yes
Regent Powell	Yes
Regent Rosha	No
Regent Sviggum	Yes
Regent Thao-Urabe	Yes
Regent Verhalen	Yes
Regent Mayeron	Yes
Regent McMillan	Yes

On a vote of 11-1, the motion to recommend approval of the President's Recommended FY 2023 Annual Operating Budget was approved.

Regent Mayeron left the meeting.

REAL ESTATE TRANSACTIONS

Regent McMillan invited Assistant Vice President Leslie Krueger and Chancellor Carrell to present for review and action the following real estate transaction, as detailed in the docket:

- A. Twelve-year lease at 150 Broadway Avenue S, Rochester (Rochester campus)

The docket materials for this item begin on page 160. The closed captioned video of this item is [available here](#).

A motion was made and seconded to recommend approval of the real estate transaction.

Regent Rosha requested a roll call vote. The vote was as follows:

Regent Davenport	Yes
Regent Farnsworth	Yes
Regent Huebsch	Yes
Regent Johnson	Yes
Regent Kenya	Yes
Regent Powell	Yes
Regent Rosha	Yes
Regent Sviggum	Yes
Regent Thao-Urabe	Yes
Regent Verhalen	Yes
Regent Mayeron	Absent
Regent McMillan	Yes

On a vote of 11-0, the motion to recommend approval of the twelve-year lease at 150 Broadway Avenue S, Rochester (Rochester campus) was approved.¹

MPACT 2025 CAPITAL FINANCING PROGRAM

Regent McMillan invited Senior Vice President Frans, Associate Vice President Volna, and Associate Vice President Mason to review the MPact 2025 Capital Financing Program, as detailed in the docket.

The docket materials for this item begin on page 171. The closed captioned video of this item is [available here](#).

TWIN CITIES CAMPUS PUBLIC SAFETY UPDATE

Regent McMillan invited President Gabel, Senior Vice President Frans, General Counsel Peterson, and Matt Clark, Chief of University Police, provide an update on Twin Cities campus public safety, as detailed in the docket.

The docket materials for this item begin on page 183. The closed captioned video of this item is [available here](#).

CONSENT REPORT

¹ After the meeting, Regent Verhalen learned that the landlord, Titan Development acting via a single-purpose entity BGD5 Hotel, LLC, is represented by others at her law firm. Regent Verhalen informed Board leadership and General Counsel Peterson that had she known another part of her law firm had a connection to the landlord, she would have recused herself from the vote. At the September 2022 meeting, the Board approved amending the June 2022 minutes to memorialize these recusal circumstances.

Regent McMillan invited President Gabel and Senior Vice President Frans to present the Consent Report, as detailed in the docket.

The docket materials for this item begin on page 185. The closed captioned video of this item is [available here](#).

Central Reserves General Contingency Allocations

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

- To Prime Therapeutics and Fairview Specialty for \$142,677,000 for the Pharmacy Benefits Manager (PBM) and the Specialty Pharmacy Program for the Employee Pharmacy Program Services for the Office of Human Resources for the period from January 1, 2023 to December 31, 2025 (systemwide). The contract will be funded on an annual basis out of the Fringe Benefits Recovery. Prime Therapeutics and Fairview Specialty were selected as the result of a competitive Request for Proposal (RFP) conducted by Purchasing Services. Four suppliers responded to the RFP; none was a targeted business.
- To Saxon Fleet Services and others for an estimated \$15,000,000 for new vehicle purchases for Parking & Transportation – Fleet Services as needed for the period of August 1, 2022 to July 31, 2025 with optional contract extensions through July 31, 2029 for an additional (estimated) \$20,000,000 (systemwide). Total estimated contract value, if all options are extended, would be \$35,000,000. Vehicles in the central motor pool are funded through a period fee charged to departments. Purchased vehicles are funded by the department at the time of purchase. Saxon Fleet Services was selected as the result of a competitive Request for Proposal (RFP) conducted by Purchasing Services and the other suppliers were selected through a competitive process conducted by the State of Minnesota. Four suppliers responded to the University's RFP; none was a targeted business.
- To Sedgwick CMS for an estimated \$1,300,000 for Workers' Compensation and Liability Claims Adjusting Services for The Office of Risk Management & Insurance for the period of July 1, 2022 through June 30, 2025 with optional contract extensions through June 30, 2029 for an additional \$2,200,000 (systemwide). Total contract value, if all options are extended, would be \$3,500,000. Source of funds for the purchase is a combination of the fringe pool for Workers' Compensation service and captive liability insurer RUMINCO LTD. Sedgwick CMS was selected as the result of a competitive Request for Proposal (RFP) conducted by Purchasing Services. One supplier responded to the RFP; it was not a targeted business.

Amendment to Retirement Plans

Appointments to the Board of Trustees of the Minnesota Landscape Arboretum Foundation

Employment Agreements

- Shashank Priya, Vice President for Research, Systemwide
- Scott Sandelin, Head Coach, Men's Hockey, Duluth campus
- Ben Johnson, Head Coach, Men's Basketball, Twin Cities campus
- Joe Rossi, Defensive Coordinator, Men's Football, Twin Cities campus

Engagement of Debt Advisor

Real Estate Transactions

- Transitway Agreement with Minnesota State Fair

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

INFORMATION ITEMS

Regent McMillan invited Senior Vice President Frans to discuss the information items in the docket:

- Central Reserves General Contingency Allocations
- Investment Advisory Committee Update
- Update on Systemwide Campus Master Planning: Next Steps

The docket materials for this item begin on page 231. The closed captioned video of this item is [available here](#).

The meeting adjourned at 12:37 p.m.



BRIAN R. STEEVES
Executive Director and
Corporate Secretary

**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

**Mission Fulfillment Committee
June 9, 2022**

A meeting of the Mission Fulfillment Committee of the Board of Regents was held on Thursday, June 9, 2022, at 2:00 p.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: Mary Davenport, presiding; James Farnsworth, Doug Huebsch, Ruth Johnson, Mike Kenyanya, David McMillan, Kendall Powell, Darrin Roshia, Steve Sviggum, Bo Thao-Urabe, and Kodi Verhalen.

Staff present: President Joan Gabel; Chancellors Lendley Black, Lori Carrell, and Mary Holz-Clause; Acting Chancellor Janet Schrunk Ericksen; Executive Vice President and Provost Rachel Croson; Vice Presidents Michael Goh and Calvin Phillips; General Counsel Douglas Peterson; Acting Executive Director Sarah Dirksen; and Chief Auditor Quinn Gaalswyk.

Student Representatives present: Gurtaran Johal and Cal Mergendahl.

The docket materials for this meeting are [available here](#).

BOARD OF REGENTS POLICY: *STUDENT CONDUCT CODE*

Regent Davenport invited Calvin Phillips, Vice President for Student Affairs and Dean of Students on the Twin Cities campus, and Lisa Erwin, Vice Chancellor for Student Life and Dean of Students on the Duluth campus, to present for action proposed amendments to Board of Regents Policy: *Student Conduct Code*, as detailed in the docket.

The docket materials for this item begin on page 3. The closed captioned video of this item is [available here](#).

A motion was made and seconded, and the committee voted unanimously to recommend adoption of the proposed amendments to Board of Regents Policy: *Student Conduct Code*.

DISTRIBUTED LEARNING STRATEGY

Regent Davenport invited Executive Vice President and Provost Croson along with Mary Holz-Clause, Acting Executive Chancellor of the Crookston campus; Amy Pittenger, Faculty Liaison for Online Education Collaborations; and Tadd Johnson, Senior Director of American Indian Tribal Nations Relations and Professor of American Indian Studies on the Duluth campus, to discuss distributed learning strategy, as detailed in the docket

The docket materials for this item begin on page 16. The closed captioned video of this item is [available here](#).

Regent Davenport recessed the meeting at 2:42 p.m.

SYSTEM UNDERGRADUATE ENROLLMENT MANAGEMENT UPDATE

Regent Davenport reconvened the meeting at 2:57 p.m. and invited Robert McMaster, Vice Provost and Dean of Undergraduate Education on the Twin Cities campus, and Amy Hietapelto, Interim Vice Chancellor for Academic Affairs on the Duluth campus, to discuss system undergraduate enrollment management, as detailed in the docket.

The docket materials for this item begin on page 53. The closed captioned video of this item is [available here](#).

CONSENT REPORT

Executive Vice President and Provost Croson presented the Consent Report, as detailed in the docket.

The docket materials for this item begin on page 105. The closed captioned video of this item is [available here](#).

Request for Approval of New Academic Programs

- Medical School (Twin Cities Campus)—Create a Fellowship in Anesthesiology Critical Care
- School of Dentistry (Twin Cities Campus)—Create an Oral Health Educator Certificate
- College of Design (Twin Cities Campus)—Create a Certificate in Design Justice
- College of Liberal Arts (Twin Cities Campus)—Create a B.A. in Dakota Language
- College of Liberal Arts (Twin Cities Campus)—Create a B.S. in Anthropology

Request for Approval of Changed Academic Programs

- Academic Health Sciences (Twin Cities Campus)—Change/correct the program delivery modality in the Medical Laboratory Sciences Certificate program from partially online to majority classroom.
- Crookston Campus—Discontinue respiratory care subplan Applied Studies B.S.

Request for Approval of Discontinued Academic Programs

- College of Continuing and Professional Studies (Twin Cities Campus)—Discontinue the Dakota and Ojibwe Language Teaching Certificates

Request for Conferral of Tenure for New Hires

- Bruce Alexander, professor with tenure, Department of Environmental Health Sciences, School of Public Health
- Brandi Blessett, associate professor with tenure, Hubert H. Humphrey School of Public Affairs
- Matthew Bodie, professor with tenure, Law School

- Chia-Yi Chiu, associate professor with tenure, Department of Educational Psychology, College of Education and Human Development
- Charlotte Garden, professor with tenure, Law School
- Tia Gaynor, associate professor with tenure, Hubert H. Humphrey School of Public Affairs
- Sara Hamilton Hart, associate professor with tenure, Department of Laboratory Medicine and Pathology, Medical School
- Mary Hearst, professor with tenure, School of Nursing
- Elaine Hsieh, professor with tenure, Department of Communication Studies, College of Liberal Arts
- Maria Len-Rios, professor with tenure, Hubbard School of Journalism and Mass Communication, College of Liberal Arts
- Michael Lipscomb, associate professor with tenure, Department of Pharmacology, Medical School
- Lucy Mkandawire-Valhmu, professor with tenure, School of Nursing

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

INFORMATION ITEMS

Executive Vice President and Provost Croson referred the committee to the information items in the docket.

The docket materials for this item begin on page 105. The closed captioned video of this item is [available here](#).

The meeting adjourned at 4:11 p.m.



SARAH F. DIRKSEN
Acting Executive Director and
Corporate Secretary

**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

**Governance & Policy Committee
June 10, 2022**

A meeting of the Governance & Policy Committee of the Board of Regents was held on Friday, June 10, 2022, at 8:00 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: Kodi Verhalen, presiding; Mary Davenport, James Farnsworth, Douglas Huebsch, Ruth Johnson, Mike Kenyanya, Janie Mayeron, David McMillan, Kendall Powell, Darrin Rosha, Steven Sviggum, and Bo Thao-Urabe.

Staff present: Chancellor Lendley Black; Acting Chancellor Janet Schrunk Ericksen; Senior Vice President Myron Frans; Vice Presidents Michael Goh and Kenneth Horstman; General Counsel Douglas Peterson; Acting Executive Director Sarah Dirksen; and Chief Auditor Quinn Gaalswyk.

The docket materials for this meeting are [available here](#).

**BOARD OF REGENTS POLICY: *CODE OF CONDUCT FOR MEMBERS
OF THE BOARD OF REGENTS* – ANNUAL REVIEW**

Regent Verhalen invited Acting Executive Director Dirksen and General Counsel Peterson to provide the annual review of Board of Regents Policy: *Code of Conduct for Members of the Board of Regents*, as detailed in the docket.

The docket materials for this item begin on page 3. The closed captioned video of this item is [available here](#).

2022 BOARD POLICY REPORT

Regent Verhalen invited Jason Langworthy, Policy Manager & Assistant Secretary, to present the 2022 Board policy report, as detailed in the docket.

The docket materials for this item begin on page 10. The closed captioned video of this item is [available here](#).

The meeting adjourned at 8:50 a.m.



**SARAH F. DIRKSEN
Acting Executive Director and
Corporate Secretary**

**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS**

**Board of Regents
June 10, 2022**

A meeting of the Board of Regents of the University of Minnesota was held on Friday, June 10, 2022, at 9:05 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: Kendall Powell, presiding; Mary Davenport, James Farnsworth, Douglas Huebsch, Ruth Johnson, Mike Kenyanya, Janie Mayeron, David McMillan, Darrin Rosha, Steven Sviggum, Bo Thao-Urabe, and Kodi Verhalen.

Staff present: President Joan Gabel; Chancellors Lendley Black and Lori Carrell; Acting Chancellor Janet Schrunk Ericksen; Executive Vice President and Provost Rachel Croson; Senior Vice President Myron Frans; Vice Presidents Michael Berthelsen, Michael Goh, Kenneth Horstman, and Matt Kramer; General Counsel Douglas Peterson; Acting Executive Director Sarah Dirksen; and Chief Auditor Quinn Gallswyk.

ANNUAL MEETING

Regent Powell called the Annual Meeting to order at 9:05 a.m. The docket materials for this meeting are [available here](#).

ESTABLISHMENT OF MEETING DATES FOR 2022-23

Regent Powell outlined the proposed Board meeting dates for 2022-23. A motion was made and seconded and the Board voted unanimously to approve the following meeting schedule:

- September 8-9, 2022
- October 13-14, 2022
- December 15-16, 2022
- February 9-10, 2023
- March 8-10, 2023 (includes retreat)
- May 11-12, 2023
- June 8-9, 2023
- July 12-14, 2023 (includes retreat)

Regent Rosha abstained from the vote.

The docket materials for this item begin on page 3. The closed captioned video of this item is [available here](#).

The annual meeting adjourned at 9:07 a.m.

MONTHLY MEETING

The regular meeting of the Board of Regents was convened at 9:07 a.m. The docket materials for this meeting are [available here](#).

RECOGNITIONS

Recognition was given to the following individuals:

- Lendley Black, outgoing chancellor of the University of Minnesota Duluth
- Michael Goh, outgoing Vice President for Equity and Diversity
- Missy Juliette, outgoing chair of the Civil Service Consultative Committee
- Scott Creer, outgoing chair of the Academic Professionals & Administrators Consultative Committee

The docket materials for this item begin on page 3. The closed-captioned video of this item is [available here](#).

APPROVAL OF MINUTES

The Board voted unanimously to approve the following minutes as presented in the docket materials:

Audit & Compliance Committee – May 12, 2022
Litigation Review Committee – May 12, 2022
Mission Fulfillment Committee – May 12, 2022
Finance & Operations Committee – May 12, 2022
Board of Regents – May 13, 2022

The docket materials for this item begin on page 5. The closed-captioned video of this item is [available here](#).

REPORT OF THE PRESIDENT

President Gabel delivered the report of the President.

The docket materials for this item begin on page 29. The closed-captioned video of this item is [available here](#).

REPORT OF THE CHAIR

Regent Powell delivered the report of the Chair.

The docket materials for this item begin on page 30. The closed-captioned video of this item is [available here](#).

RECEIVE AND FILE REPORTS

Regent Powell noted the receipt and filing of reports, as described in the docket materials, including:

- Report of the Academic Professional and Administrative Consultative Committee
- Report of the Civil Service Consultative Committee

The docket materials for this item begin on page 31. The closed-captioned video of this item is [available here](#).

CONSENT REPORT

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

- Gifts
- Report of the All-University Honors Committee
- Report of the Regents Award Nominating Committee

A motion was made and seconded, and the Board voted unanimously to approve the Consent Report.

The docket materials for this item begin on page 40. The closed-captioned video of this item is [available here](#).

REPORT OF THE FACULTY CONSULTATIVE COMMITTEE/ SENATE CONSULTATIVE COMMITTEE

Regent Powell invited Ned Patterson, Chair of the Faculty Consultative Committee and Senate Consultative Committee, to present the report of the Faculty Consultative Committee/Senate Consultative Committee, as detailed in the docket.

The docket materials for this item begin on page 46. The closed captioned video of this item is [available here](#).

RECOGNITION OF FACULTY CONSULTATIVE COMMITTEE/ SENATE CONSULTATIVE COMMITTEE OUTGOING CHAIR

Recognition was given to Ned Patterson, outgoing chair of the Faculty Consultative Committee and Senate Consultative Committee. The docket materials for this item begin on page 51. The closed captioned video of this item is [available here](#).

NATIVE AMERICAN AFFAIRS UPDATE

Regent Powell invited Karen Diver, Senior Advisor to the President for Native American Affairs, and Tadd Johnson, Senior Director of American Indian Tribal Nations Relations, to provide the Native American Affairs update, as detailed in the docket.

The docket materials for this item begin on page 83. The closed-captioned video of this item is [available here](#).

PRESIDENT'S INITIATIVE FOR STUDENT MENTAL HEALTH

Regent Powell invited Tabitha Grier-Reed, Co-Chair, President's Initiative for Student Mental Health, and Maggie Towle, Co-Chair, President's Initiative for Student Mental Health, to provide an update on the President's Initiative for Student Mental Health, as detailed in the docket.

The docket materials for this item begin on page 52. The closed-captioned video of this item is [available here](#).

Regent Mayeron left the meeting.

REPORT OF THE AUDIT & COMPLIANCE COMMITTEE

Regent Kenya, chair of the committee, reported that the committee did not act on any items this month.

The committee docket materials can be found [here](#). The closed captioned video of this item is [available here](#).

REPORT OF THE LITIGATION REVIEW COMMITTEE

Regent Huebsch, chair of the committee, reported that pursuant to notice sent by the University, the Litigation Review Committee met on June 9, 2022. At this meeting, a resolution was considered and adopted that authorized the closing of the meeting. In the closed meeting, discussion was held on matters subject to the attorney-client privilege.

The committee docket materials can be found [here](#). The closed-captioned video of this item is [available here](#).

REPORT OF THE FINANCE & OPERATIONS COMMITTEE

Regent McMillan, vice chair of the committee, provided the report of the Finance & Operations Committee.

The committee docket materials can be found [here](#). The closed-captioned video of this item is [available here](#).

McMillan reported that the committee voted to recommend approval of the resolution related to the FY 2023 Annual Operating Budget. The resolution is as follows:

WHEREAS, the University of Minnesota (University) as the state's public, land grant university is charged with the responsibility to pursue knowledge and help apply that knowledge through research and discovery, teaching and learning, and outreach & public service; and

WHEREAS, the State of Minnesota, through its legislative and executive branches, has appropriated \$690,656,000 in recurring and nonrecurring state general fund monies for fiscal year 2023 (FY23) to the University, which includes no change from the fiscal year 2022 appropriation, for the pursuit of its mission and in support of our goals and objectives; and

WHEREAS, the University faced significant financial challenges over the last two years as a result of changed operations due to the COVID-19 pandemic, creating uncertainty in revenue generation and enrollment that continues into FY23; and

WHEREAS, expenditures for FY23 will be impacted differentially across the University by the highest inflation rates seen in many years for a variety of goods and services; and

WHEREAS, the future of the University is premised on partnerships within the University community of faculty, staff, and students, with the State of Minnesota, other educational institutions, business and industry, University alumni, local communities, and the residents of Minnesota; and

WHEREAS, the University is committed to achieving standards of national and international excellence while maintaining efficient and effective services and processes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents hereby approves the University Fiscal Year 2023 Annual Operating Budget including the following attachments:

- Attachment 1 Resource and Expenditure Budget Plan (University Fiscal Page)
- Attachment 2 University of Minnesota 2022-23 Tuition Rate Plan
- Attachment 7 University of Minnesota 2022-23 Course and Class Fees
- Attachment 8 University of Minnesota 2022-23 Miscellaneous Fees
- Attachment 9 University of Minnesota 2022-23 Academic Fees
- Attachment 10 University of Minnesota 2022-23 Student Services Fees
- Attachment 11 Fund Forecast - Centrally Distributed and Attributed Funds

A motion was made to approve the resolution. Powell directed that a roll call vote be taken. The vote was as follows:

Regent Davenport	Yes
Regent Farnsworth	Yes
Regent Huebsch	Yes
Regent Johnson	Yes
Regent Kenya	Yes
Regent Mayeron	Absent
Regent McMillan	Yes
Regent Rosha	No
Regent Sviggum	Yes

Regent Thao-Urabe	Yes
Regent Verhalen	Yes
Regent Powell	Yes

On a vote of 10-1, the resolution related to the FY 2023 Annual Operating Budget was approved.

McMillan reported that the committee voted unanimously to recommend the remaining items in the committee report as follows:

- 1) Approval of the resolution related to the FY 2023 Annual Capital Improvement Budget. The resolution is as follows:

WHEREAS, the Board of Regents (Board) has directed the administration to annually submit a six-year capital plan and an annual capital improvement budget; and

WHEREAS, the Board has adopted principles to guide the formulation of the six-year capital plan and the annual capital improvement budget; and

WHEREAS, the Board recognizes the importance of sustaining and improving the University's facilities in support of teaching, research, and outreach; and

WHEREAS, the administration has developed a capital planning framework designed to focus its capital planning efforts toward projects that support the University's institutional priorities within a financial strategy that is realistic.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the FY 2023 Annual Capital Improvement Budget.

- 2) Approval of the twelve-year lease at 150 Broadway Avenue S, Rochester for the Rochester campus.
- 3) Approval of the Consent Report for the Finance & Operations Committee as presented to the committee and described in the June 9, 2022 committee minutes.

A motion was made, and the Board voted unanimously to approve the remaining three recommendations included in the report of the Finance & Operations Committee.¹

REPORT OF THE MISSION FULFILLMENT COMMITTEE

Regent Davenport, chair of the committee, reported that the committee voted unanimously to recommend the following items.

¹ For the approval of the twelve-year lease at 150 Broadway Avenue S, Rochester: After the meeting, Regent Verhalen learned that the landlord, Titan Development acting via a single-purpose entity BGD5 Hotel, LLC, is represented by others at her law firm. Regent Verhalen informed Board leadership and General Counsel Peterson that had she known another part of her law firm had a connection to the landlord, she would have recused herself from the vote. At the September 2022 meeting, the Board approved amending the June 2022 minutes to memorialize these recusal circumstances.

The committee docket materials can be found [here](#). The closed-captioned video of this item is [available here](#).

- 1) Adoption of proposed amendments to Board of Regents Policy: *Student Conduct Code* as follows:

SECTION I. SCOPE AND PURPOSE.

This policy applies to all students and student groups at the University of Minnesota (University), whether or not the University is in session. The purpose of the *Student Conduct Code* is to convey behavioral expectations that embody the University's learning mission while supporting students' individual career and life goals. The student conduct process is primarily educational, while also serving to protect the University's unique learning environment and the safety and success of the larger campus communities.

SECTION II. GUIDING PRINCIPLES.

- (a) The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University.
- (b) As stated in Board of Regents Policy: *Equity, Diversity, Equal Opportunity, and Affirmative Action*, the University shall establish and nurture an environment for faculty, staff, students, and visitors that actively acknowledges and values equity and diversity and is free from racism, sexism, ageism, homophobia, and other forms of prejudice, intolerance, or harassment.
- (c) The University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the health or safety of members of the University community.
- (d) The University is dedicated to responsible stewardship of its resources and to protecting its property and resources from theft, damage, destruction, or misuse.
- (e) The University supports and is guided by state and federal law while also setting its own standards of conduct for its academic community.
- (f) The University is dedicated to the fair and equitable resolution of conflict at the lowest level possible.
- (g) The University is committed to safeguarding the free expression rights of all University community members and will strive to engage in student development conversations when messages are contrary to the University values of equity, diversity, and inclusion. Students are entitled to the rights and responsibilities of other citizens with regard to freedom of speech, peaceable assembly, and the right to petition. Students are entitled to exercise their rights to inquire and dissent, speak freely, and peaceably assemble and protest to the extent permissible under both the First Amendment of the United States Constitution and the *Student Conduct Code*.
- (h) Students are entitled to due process and procedural fairness protections, including the prompt notification of charges, the opportunity to respond, the right to an advocate of choice, and the right to the resolution of a case within a reasonable period of time.

SECTION III. DEFINITIONS.

Subd. 1. Academic Environment.

Academic environment shall mean any setting where a student is engaged in work toward academic credit, satisfaction of program-based requirements, or related activities, including but not limited to classrooms, laboratories, online courses, learning support and testing platforms, learning abroad, and field work.

Subd. 2. Assists or Abets.

A student or student group *assists or abets* prohibited conduct when the student or student group: (a) helps any other person engage in prohibited behaviors as defined by the *Student Conduct Code*; and (b) intends the prohibited behavior to occur or knows that their actions are significantly likely to help the other person to engage in the prohibited behavior.

Subd. 3. Campus.

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

Subd 4. Learning Support and Testing Platforms.

Learning support and testing platforms shall mean tools including online tools identified by the instructor for use in a course or learning activity.

Subd. 5. Plagiarism.

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

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

Instructors are expected to provide clear standards regarding academic work expectations in the course syllabus. It is the responsibility of all students to understand the standards and methods of proper attribution and to clarify with each instructor the standards, expectations, and reference techniques appropriate to the subject area and class requirements, including group work and internet use. Students are encouraged to seek out information about these methods from instructors and other resources and to apply this information in all submissions of academic work.²

Subd. 6. Protected Characteristics.

² Portions used with permission from New York Institute of Technology and University of Texas, San Antonio.

As defined by Board of Regents Policy: *Equity, Diversity, Equal Opportunity, and Affirmative Action, protected characteristics* shall mean race, color, creed, religion, national origin, gender, age, marital status, familial status, disability, public assistance status, membership or activity in a local commission created for the purpose of dealing with discrimination, veteran status, sexual orientation, gender identity, or gender expression.

Subd. 7. Student.

Student shall mean any person taking courses at the University or enrolled in a University academic program; any person who has taken courses or enrolled in a University academic program within the past three terms (including summer) and who has not withdrawn, transferred, or graduated; any individual who has registered for classes or has been approved for readmission to the University; any person participating as a student in University activities, even if prior to the start of classes; any person previously enrolled within the last three terms (including summer) and who has a continuing relationship with the University through active participation in student groups or University-sponsored activities; any person on an official leave of absence with an intent to return; any person who withdraws, transfers, or graduates after an alleged violation of the *Student Conduct Code* and before the allegation is resolved; and any already graduated person when the conduct at issue implicates the validity of the person's earned University degree.

Subd. 8. Student Group.

Student group shall mean any group of students that is or has been registered as a University student group under applicable University policies or procedures.

Subd. 9. Unauthorized Collaboration.

Unauthorized collaboration shall mean working with others, either in person or via electronic means, when the student is not given express permission by an instructor to do so.

Subd. 10. University-Sponsored Activities.

University-sponsored activities shall mean any program or event sponsored by the University, including but not limited to academic, athletic, extracurricular, study abroad, research, online, or internship programs or activities. Activities hosted by student groups that are not sponsored by a University department, unit, or program shall not be considered University-sponsored activities.

SECTION IV. PROHIBITED BEHAVIORS.

Any student or student group who accepts an informal resolution or is found to have committed, attempted to commit, or assisted or abetted another person or group in committing the following misconduct is subject to appropriate student conduct action under this policy.

General Behavior Prohibitions:

Subd. 1. Scholastic Dishonesty.

Scholastic dishonesty means plagiarism; cheating on assignments or examinations, including the unauthorized use of online learning support and testing platforms; engaging in unauthorized collaboration on academic work, including the posting of student-generated coursework on online learning support and testing platforms not

approved for the specific course in question; taking, acquiring, or using course materials without faculty permission, including the posting of faculty-provided course materials on online learning support and testing platforms; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, misrepresenting, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis.

Subd. 2. Violation of University Rules.

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

Subd. 3. Violation of Local, State, or Federal Laws or Ordinances.

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

Subd. 4. Persistent Violations.

Persistent violations means engaging in repeated conduct or action in violation of the *Student Conduct Code*.

Subd. 5. Retaliation.

Retaliation occurs when a student or student group takes adverse action against an individual for that individual's good-faith participation in reporting or otherwise expressing opposition to, suspected or alleged prohibited behavior; or participating in any process designed to review or investigate suspected or alleged prohibited behavior or non-compliance with applicable policies, rules, and laws.

Prohibited Behaviors Implicating Health, Safety or Property:

Subd. 6. Harm to Others.

Harm to others means engaging in conduct that endangers or threatens to endanger the health, safety, or welfare of another person, including, but not limited to, threatening, harassing, intimidating, and stalking or assaulting behavior that does not fall within the scope of Subd. 9 of this section.

Subd. 7. Discriminatory Harassment.

Discriminatory harassment means conduct that occurs under either of the following conditions:

- When it is stated or implied that a person needs to submit to, or participate in, unwelcome conduct based on a protected characteristic to maintain or advance in their employment, education, or participation in a University program or activity.
- When unwelcome conduct based on a protected characteristic is severe, persistent, or pervasive and (1) unreasonably interferes with an individual's employment, education, or participation in a University program or activity; (2) creates a work, employment, or other University environment that a reasonable person would find to be intimidating, hostile, or offensive; or (3) effectively denies an individual equal access to a University program or activity.

Subd. 8. Bullying.

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

Subd. 9. Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence.

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

Subd. 10. Illegal or Unauthorized Possession or Use of Weapons.

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

Subd. 11. Illegal or Unauthorized Possession or Use of Drugs or Alcohol.

Illegal or unauthorized possession or use of drugs or alcohol means possessing or using drugs or alcohol illegally or, where applicable, without proper University authorization.

Subd. 12. Providing Alcohol to Minors.

Providing alcohol to minors means directly or indirectly providing alcohol to anyone under the legal drinking age.

Subd. 13. Theft, Property Damage, or Vandalism.

Theft, property damage, or vandalism means theft or embezzlement of, damage to, destruction of, unauthorized possession of, or wrongful sale or gift of property.

Subd. 14. Hazing.

Hazing means any behavior or activity that endangers the health or safety of an individual (including, without limitation, an act intended to cause personal degradation or humiliation), for the purpose of initiation in, admission to, affiliation with, or as a condition for continued membership in a student group or University athletic team, regardless of the individual's willingness to participate.

Prohibited Behaviors Interfering with University and Community Operations:

Subd. 15. Disruption of Academic Environment.

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

Subd. 16. Falsification.

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

Subd. 17. Refusal to Identify and Comply.

Refusal to identify and comply means willfully refusing to or falsely identifying one's self or willfully failing to comply with a proper order or summons when requested by law enforcement personnel, by emergency medical staff responding to an emergency, or by a University officials acting within the purview of their job responsibilities.

Subd. 18. Unauthorized Use of and/or Access to University Facilities or Services.

Unauthorized use of and/or access to University facilities or services means wrongfully using University properties or facilities, services, or information systems, or obtaining or providing to another person the means of such unauthorized access, including but not limited to using or providing keys, access cards, passwords, or access codes without authorization; misusing, altering, or damaging fire-fighting equipment, safety devices, or other emergency equipment or interfering with the performance of those specifically charged to carry out emergency services; or acting to fraudulently obtain or represent goods, facilities, services, or funds from University departments or student groups or individuals acting on their behalf.

Subd. 19. Disruptive Behavior.

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

SECTION V. AMNESTY.

Subd. 1. Medical Amnesty.

Medical amnesty shall align with Minnesota Statutes § 340A.503, Subd. 8, and it shall mean that a student is not subject to *Student Conduct Code* student conduct outcomes for underage possession and consumption of alcohol if the student contacts a 911 operator to report that the student or another student is in need of medical assistance for an immediate health or safety concern. To be eligible for medical amnesty, the student who initiates contact must be the first person to make such a report, must provide a name and contact information, must remain on the scene until assistance arrives, and must cooperate with the authorities at the scene. The student who receives medical assistance and up to two students acting in concert with the student initiating contact with a 911 operator shall also be immune from student conduct outcomes. This does not include a University response that may include required education. Medical amnesty is granted only for alcohol-related violations of Section IV, Subd. 11 of this policy, and it does not apply to other possible violations of the *Student Conduct Code* (e.g., property damage or assault) that may have occurred during the time of intoxication. In circumstances involving a student group, the willingness of the student group's members to seek medical assistance for a member or a guest will be viewed as a mitigating factor in the review process for any possible violations.

Subd. 2. Sexual Misconduct-related Amnesty.

To facilitate reporting and thorough investigations of sexual harassment, sexual assault, stalking, and relationship violence, individuals who provide information about possible

violations to the University, and individuals who participate in an informal problem-solving or grievance process, will not be disciplined by the University for violations of the University's prohibition on the personal use of drugs or alcohol, when such a violation occurred in connection with a possible sexual harassment, sexual assault, stalking, or relationship violence violation and was discovered as a result of a sexual harassment, sexual assault, stalking, or relationship violence report. Moreover, the University may offer leniency with respect to other violations by informal problem-solving or grievance process participants that emerge as a result of a sexual harassment, sexual assault, stalking, or relationship violence report, depending on the circumstances involved.

SECTION VI. OUTCOMES.

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

In certain cases, students can agree to accept outcomes informally, as well as propose alternative resolution options outside of the conduct process. It may also be appropriate for restorative justice and/or alternative resolutions to be utilized. Restorative actions may include, but are not limited to, educational interventions/experiences, academic/co-curricular success plans, etc. In cases involving medical amnesty, a student requiring emergency evaluation or treatment at a medical facility may be required to complete an alcohol assessment or education program, which is not considered a student conduct response.

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

Subd. 1. Academic Outcome.

An academic outcome means an outcome affecting the course or academic work of the student for violation of Section IV, Subd. 1.

Subd. 2. Warning.

A warning means the issuance of an oral or written warning or reprimand.

Subd. 3. Probation.

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

Subd. 4. Required Compliance.

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

Subd. 5. Confiscation.

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

Subd. 6. Restitution.

Restitution means making compensation for loss, injury, or damage.

Subd. 7. Restriction of Privileges.

Restriction of privileges means the denial or restriction of specified privileges, including, but not limited to, building access or service access.

Subd. 8. University Housing Suspension.

University housing suspension means separation of the student from University Housing on a single campus.

Subd. 9. University Housing Expulsion.

University housing expulsion means permanent separation of the student from University Housing on a single campus.

Subd. 10. Suspension.

Suspension means separation of the student or student group from the University for a defined period of time, after which the student is eligible to return to the University. Suspension may include conditions for readmission. Any violations of the *Student Conduct Code* while on suspension may be cause for additional charges and findings that may result in extended suspension or expulsion. A suspension may be deferred when an offense is serious enough to warrant separation from the University, but where the specific circumstances of the case justify special consideration.

Subd. 11. Expulsion.

Expulsion means the permanent separation of the student from the University.

Subd. 12. Withholding of Diploma or Degree.

Withholding of diploma or degree means the withholding of diploma or degree otherwise earned for a defined period of time or until the completion of assigned outcomes for a violation that implicates the academic validity of a diploma or degree.

Subd. 13. Revocation of Admission or Degree.

Revocation of admission or degree means revoking a student's admission to the University or revoking a degree already awarded by the University for a violation that implicates the academic validity of an admission or earned degree.

SECTION VII. HEARING AND APPEALS OF STUDENT CONDUCT.

Subd. 1. Hearing Process.

Any student or student group charged with violation of the *Student Conduct Code* shall have the opportunity to receive a fair hearing. A finding of responsibility for violation of the *Student Conduct Code* must be based on a preponderance of the evidence. The

president or delegate shall ensure that each campus has a hearing process that includes the following:

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

In exceptional circumstances where the University determines that an informal resolution is not appropriate, a student's responsibility will be decided through a formal hearing in which a panel will determine responsibility and possible outcomes.

Subd. 2. Appeals Process.

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

The appeals procedure must describe the following:

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

SECTION VIII. INTERIM SUSPENSION.

In rare circumstances, the president or delegate may impose an immediate suspension on a student or student group pending a hearing (1) to ensure the safety and well-being of members of the University community or to preserve University property, (2) to ensure the student's own physical or emotional safety and well-being, or (3) if the student or student group poses an ongoing threat of disrupting or interfering with the operations of the University. During the interim suspension, the student or student group may be denied access to all University activities or privileges for which the student or student group might otherwise be eligible, including access to University housing, property, or services. The student or student group has a right to a prompt hearing before the president or delegate on the question of whether the interim suspension should remain in effect until the full hearing is completed. An interim suspension will not be considered when determining responsibility during the hearing or appeals processes.

SECTION IX. JURISDICTION.

Subd. 1.

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

Subd. 2.

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

Subd. 3.

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

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

Subd. 4.

In the case of an allegation of sexual harassment, sexual assault, stalking, or relationship violence, the *Student Conduct Code* shall apply when the conduct occurs off University property and outside the context of a University employment or education program or activity, but (1) has a continuing adverse effect on a University education program or activity; or (2) creates a hostile environment for one or more students, employees, or third parties while on University property or in any University employment or education program or activity.

Subd. 5.

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

SECTION X. THE RESPONSIBILITIES OF DUAL MEMBERSHIP.

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

SECTION XI. DELEGATION OF AUTHORITY.

The president or delegate shall implement this policy, including publishing and distributing the *Student Conduct Code* and the procedures governing the student conduct process at the University.

REVISION HISTORY

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994; June 13, 2003; December 8, 2006;
October 12, 2012; June 10, 2016; October 13, 2017; June 10, 2022
Technical Correction: July 8, 2015; May 24, 2018
Last Comprehensive Review: 2022

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

- 2) Approval of the Consent Report for the Mission Fulfillment Committee as presented to the committee and described in the June 9, 2022 committee minutes.

A motion was made, and the Board voted unanimously to approve the two recommendations included in the report of the Mission Fulfillment Committee.

REPORT OF THE GOVERNANCE & POLICY COMMITTEE

Regent Verhalen, chair of the committee, reported that the committee did not act on any items this month.

The committee docket materials can be found [here](#). The closed captioned video of this item is [available here](#).

NEW BUSINESS

Regent Farnsworth moved a resolution related to public comment. There was a second. The resolution was as follows:

WHEREAS, established in 1851 at the founding of the University of Minnesota, the Board of Regents is the University's governing board; and

WHEREAS, Regents articulate a vision for the University and work to ensure the University of Minnesota fulfills its mission of education, research, and outreach for the benefit of the people of Minnesota, the nation, and the world; and

WHEREAS, the University of Minnesota is a public, R1, land grant institution with a robust teaching, research, outreach, and service mission built to positively benefit the citizens of the State of Minnesota; and

WHEREAS, the Board of Regents has a responsibility to be diligent and thoughtful stewards of the University's resources; and

WHEREAS, access and transparency are core attributes of a public governing board; and

WHEREAS, as a publicly elected governing board, all University and outside stakeholders should have a consistent public mechanism to have their voices heard on matters of University business; and

WHEREAS, having a permanent method of public address and engagement between members of the community and the Board of Regents positively contributes to a standard of accessibility, collaboration, trust, and respect; and

WHEREAS, a number of University of Minnesota peer institutions and fellow Big 10 schools incorporate public comment periods into their scheduled board meetings; and

WHEREAS, the Trustees of the University of Illinois at Urbana-Champaign have developed procedures in compliance with the Illinois Open Meetings Act by which interested groups and individuals may make presentations in person at meetings of the Board; and

WHEREAS, at Pennsylvania State University and following a specified procedure, members of the public are allowed to register to speak on any issue in front of the board by visiting the homepage of the Pennsylvania State University Board of Trustees; and

WHEREAS, Section 6 of the University of Maryland Board of Trustees' bylaws state, "Section 6. Addressing the Board. Each open meeting of the Board shall allow reasonable time for public comment. The Board will establish a protocol for advance sign up by persons who wish to comment at an open meeting of the Board, limits on time for an individual's comments, and overall limit on the time for all public comments; any aspect of the protocol may be waived by the Board provided that such waiver shall still permit the efficient conduct of the Board meeting; and

WHEREAS, Article V, Section H, of the University of Florida Board of Governors reserves a maximum of fifteen minutes during the plenary meeting of the Board to take public comment. Individuals, organizations, groups or factions who desire to appear before the Board to be heard on a proposition pending before the Board shall complete a public comment form specifying the matter on which they wish to be heard; and

WHEREAS, at the University of Texas at Austin, members of the public are allowed to present written and oral testimony, for a reasonable amount of time as determined by the Chairman of the Board, on any topic listed on the agenda for a Committee or Board meeting that is open to the public; and

WHEREAS, the American Council of Trustees and Alumni calls for governing boards, as fiduciaries of public colleges and universities, to be proactive in engaging with the campus community and the public, listening not only to the ideas of organized constituent groups but also to the perspectives of interested individuals, as is fitting for the public institutions of a free society; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The Office of the Board of Regents be directed to, in consultation with all twelve members of the Board via the Board of Regents Governance and Policy Committee or another appropriate venue, develop a proposed framework (including any recommended accompanying policies and procedures) for a regular-occurring public comment period to be implemented into the Board of Regents standard governance cycle.
2. Upon benchmarking, consultation, and completion, the proposed framework for implementation of a public comment period will be reviewed and presented to the Board of Regents for consideration.

The closed-captioned video of this item is [available here](#).

Farnsworth requested a roll call vote.

Regent Verhalen moved to refer the resolution to the Governance & Policy Committee. There was a second.

The Board voted unanimously to refer the resolution to the Governance & Policy Committee. The meeting adjourned at 11:30 a.m.

A handwritten signature in black ink, appearing to read "S. Dirksen", followed by a horizontal line extending to the right.

SARAH F. DIRKSEN
Acting Executive Director and
Corporate Secretary