



Governance & Policy Committee

December 2022

December 16, 2022

8:00 a.m.

Boardroom, McNamara Alumni Center

GOV - DEC 2022

1. Potential Enhancements to Board Public Engagement - Review

Docket Item Summary - 3

2. Regents Emeriti Employment at the University

Docket Item Summary - 5



BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

December 16, 2022

AGENDA ITEM: Potential Enhancements to Board Public Engagement

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

This is a report required by Board policy.

PRESENTERS: Brian Steeves, Executive Director & Corporate Secretary
Krista Overby, Communications & Engagement Manager

PURPOSE & KEY POINTS

The purpose of this item is to review potential enhancements to the Board’s public engagement practices as recommended by the Office of the Board of Regents (OBR). The recommended enhancements are in alignment with committee discussions and feedback from its past two meetings. These enhancements would be added to the Board’s existing public engagement activities as a pilot program, which would be evaluated after five regular Board meetings.

This is the third in a series of discussions on how Minnesotans and the broad University community access the Board’s work, and how the Board receives input from them.

Proposed Pilot Program

In developing a set of recommendations for consideration by the committee, OBR followed three guiding principles:

- Effectively support the Board in building trust and demonstrating accountability;
- Recognize that public engagement practices evolve over time and require a ‘custom fit’ to meet the needs of today; and
- Leverage technology to aid in advancing innovative access and inclusive engagement across the University community.

In alignment with these principles, OBR recommends the following three-part plan.

1. Maintain

The first part of the plan is to maintain existing public engagement activities, including:

- Annual operating budget forum;
- Public forums required by law (traffic ordinances; body cameras, etc.);
- Individual requests to address the Board, as outlined in the *Bylaws of the Board of Regents*;
- Eight non-voting Student Representatives to the Board;

- Oral and written reports from Senate Consultative Committee/Faculty Consultative Committee each semester;
- Written reports from the Professional and Administrative Consultative Committee and Civil Service Consultative Committee annually; and
- Direct Regent emails available to public.

2. Enhance

The second part of the plan is to enhance public engagement through a robust new web-based public comment portal. This portal would be a component of the Board’s existing website and would feature the ability for submission of succinct written, audio, or video comments in advance of each Board meeting on various agenda topics. These comments would then be aggregated and linked to each regular meeting docket so both Regents and the public could see the input being submitted to the Board. The portal would supplement existing engagement activities, not supplant them.

The benefits of this enhancement would be:

- Creates significantly improved, and much more visible, public comment feature;
- Leverages new technology to permit asynchronous comments to the Board anytime, anywhere;
- Removes place- and time-based barriers;
- Enhances transparency and engagement via the Board’s public docket; and
- Has potential to establish the Board as a leader in public engagement by embracing the hybrid nature of today’s work.

A set of guidelines would be developed and provided to commenters in advance of access to the portal reinforcing respectfulness, civility, and constructive input. In addition, all comments would be screened to prevent inclusion of such content as profanity and nonpublic information.

If authorized by the Board in February, it is anticipated that development and testing of this new portal could be completed by August 2023.

3. Evaluate

The third part of the plan is to promote and operate the public comment portal as a pilot across five regular Board meetings, after which OBR would gather input from each Regent, evaluate how well the portal is meeting Board objectives, and report findings to the committee. OBR is also exploring how to gather feedback on the public comment portal from users across the five meetings, as well as from members of the public who decline to use the portal. Findings would be shared for discussion with the Board at a spring 2024 meeting, after which a decision could be made about the future of the pilot.

RECOMMENDATION

The executive director & corporate secretary recommends that the Board direct the Office of the Board of Regents to implement the proposed pilot program.



BOARD OF REGENTS DOCKET ITEM SUMMARY

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AGENDA ITEM: Regents Emeriti Employment at the University

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

This is a report required by Board policy.

PRESENTERS: Jason Langworthy, Policy Manager & Assistant Secretary

PURPOSE & KEY POINTS

The purpose of this item is a committee discussion focused on employment of Regents Emeriti by the University. At the July 2022 meeting, Regent Rosha distributed for information a resolution addressing the employment of Regents Emeriti with the following resolved:

NOW, THEREFORE, BE IT RESOLVED, that no member of the University of Minnesota Board of Regents may accept paid employment with the University of Minnesota in any capacity for five years after the later of the end of the the [sic] Regent term to which they were elected or appointed or during the service of a University of Minnesota System President, Senior Vice President of Operations, or System Provost, or the equivalent of those positions, whichever period is longer.

Today’s discussion will provide initial peer analysis and an opportunity for the committee to discuss if codifying an employment limitation is a topic it wishes to explore further.

Peer Examples

The Office of the Board of Regents (OBR), working with the Office of the General Counsel (OGC), performed an initial high-level analysis of Big Ten and other public peer institutions for any bylaw or policy provisions that prevent former board members from being employed after their service has ended. While not a comprehensive review, the analysis provided the following examples:

Pennsylvania State University

The Bylaws of the Pennsylvania State University include the following provision

Section 8.12 Employment of Trustees. No Trustee may be employed by the University in any capacity before the fifth (5th) anniversary of the date on which such person last served as a Trustee, except as approved by action of the Board of Trustees.

In addition, Penn State also limits any former employee from serving as a trustee until five years after their employment.

University of California

While most peer institutions restrict board members from holding any employment with their institution while actively serving on the board (unless they are in a seat designated for a specific type of individual such as a student or faculty trustee position), the *Bylaws of the Regents of the University of California* contain the following provision:

21.7 Regent Compensation... A Regent shall be eligible for uncompensated employment or appointment to a University-affiliated position upon approval by the Chair and Vice Chair of the Governance Committee. In the case of the inability of the Chair of the Board or the Vice Chair of the Board to approve because of unavailability or conflict, the Chair of the Audit and Compliance Committee may approve.

There were no restrictions on former board members being employed after their service.

University of Iowa

Regent members' employment with the University of Iowa is prohibited until at least two years following their Regent service. *See Iowa Code 68B.7.2.*

Michigan State University

Michigan State University includes the following two provisions in its Board of Trustees Conflict of Interest Policy:

- III. Contracts. No Trustee shall have a pecuniary interest, whether direct or indirect, in any contract with the University that would induce or have the potential to induce action on the part of the Trustee to promote the contract for his/her own personal benefit.
- XII. Trustees Emeriti. This Policy shall apply to Trustees Emeriti for a period of one year following the end of their term of office.

Beyond these examples, no other provisions restricting employment for former board members were found by the initial review.