



Board of Regents Special Meeting

August 2024

August 27, 2024

7:30 a.m.

Boardroom, McNamara Alumni Center

BOR - AUG 27, 2024 - Special Meeting

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BOARD OF REGENTS DOCKET ITEM SUMMARY

Board of Regents

August 27, 2024

AGENDA ITEM: Report of the President: Fall Planning

Review

Review + Action

Action

Discussion

This is a report required by Board policy.

PRESENTERS: President Rebecca Cunningham

PURPOSE & KEY POINTS

It is customary for the President to report on items of interest to the University community. This report will provide an outline of the University’s systemwide planning for civic engagement for the fall 2024 semester. Detailed planning information is included in the docket.

In anticipation of greater political activity this upcoming semester — and to provide a safe and welcoming environment, the University is working to create a landscape where students and community members can use their voices to freely express their opinions while maintaining the University’s ability to advance its mission.

The University is firmly committed to academic freedom, freedom of expression, and the rights of students, faculty, and staff to express their views in the community. Core to this commitment is free, open, and respectful dialogue, regardless of viewpoint. Every member of the University community has this right and the accompanying responsibility not to interfere with or impede upon the rights of others to speak, study, teach, work and learn.

Spontaneous Civic Engagement at the University of Minnesota

The University of Minnesota values civic engagement and its long history of peaceful protests that comply with our policies and laws. Our core principles are:

- We value [multiple and diverse perspectives](#), inclusivity, and [academic freedom and responsibility](#).
- We are a [community that is free from violence, threats, and intimidation](#) and that respects the rights of students, faculty, staff, and guests of the University.
- The use of University property, including outdoor spaces, must comply with [University policies](#).
- All students must follow Board of Regents Policy: [Student Conduct Code](#).
- All community members are expected to conduct themselves consistent with Board of Regents Policy: [Code of Conduct](#).

The Office of Student Affairs (612-625-1289, osa@umn.edu) is available to provide guidance on University policies related to the expression of views and protest. We suggest starting with the [Freedom of Expression page](#).

These policies apply to spontaneous events attended by faculty, staff, students and visitors to our community and are applied in a content-neutral way.

You are allowed to:

- Include up to 100 participants.
- Gather at places like Coffman Plaza, McNamara Plaza, Northrop Plaza, St. Paul Student Center Plaza, West Bank Plaza.
- Include one handheld battery-operated amplification device (bullhorn).
- Include signs and banners smaller than 14 inches x 22 inches.
- Distribute printed materials more than 25 feet from building entrances.
- Use water-soluble chalk on horizontal surfaces (ground) to advertise an event. Chalking must be done by recognized student groups, university departments, or offices. It must include the name of the group, department, or office that is sponsoring the event.
- Put up posters and flyers smaller than 14 inches x 22 inches on public bulletin boards or in designated kiosks on campus to advertise an event in a manner that makes them easy to remove and doesn't damage the boards (e.g., staples or tape but not glue or paste).

You must:

- End your event by 10pm.
- Clean up the space afterwards.
- Show your ID if asked by University officials or the police.

You may not:

- Utilize tents or other structures or displays, and contact tables.
- Damage University property or University grounds, including graffiti and stickers.
- Interfere with classes, research, work, or other University operations.
- Interfere with the flow of traffic or block entrance to buildings.
- Remain in buildings after scheduled closing hours.
- Threaten, harass, intimidate, stalk, or assault others.
 - For example, speech that directly and immediately threatens physical harm to a specific individual violates the Student Conduct Code.
- Pose risk to the health and physical safety of yourself or others.
- Use University facilities or services without permission. This includes using keys or passwords you're not supposed to have.
- Student workers and other staff may not participate in a protest during their work hours.

Violation of these policies is a violation of the [Student Conduct Code](#) and may result in [immediate interim suspension](#) while awaiting full Student Conduct Code proceedings.

Relevant Policies

The list above is not exhaustive; see the following sites and policies for more detail:

Office for Student Affairs- Freedom of Expression

<https://z.umn.edu/freedomofexpression>

Board of Regents Student Conduct Code

https://regents.umn.edu/sites/regents.umn.edu/files/2024-05/policy_student_conduct_code.pdf

Twin Cities Student Conduct Code Procedure

<https://policy.umn.edu/education/studentconductcode-proc01>

Resolving Alleged Student Conduct Code Violations

<https://policy.umn.edu/education/studentconductcod>

Using and Leasing Outdoor Space: Twin Cities

<https://policy.umn.edu/operations/outdoor>

Distribution of Temporary Information through Publications, Signs, Banners or Chalking

<https://policy.umn.edu/operations/publicationsbanners>

Campus Specific Requirements: Twin Cities

<https://policy.umn.edu/operations/publicationsbanners-appi>

Board of Regents Policy: Code of Conduct

https://regents.umn.edu/sites/regents.umn.edu/files/2024-05/policy_code_of_conduct.pdf

Planning for a Safe and Welcoming Environment for Fall 2024

The University of Minnesota values civic engagement and its long history of peaceful protests that comply with our policies and laws. We remain firmly committed to academic freedom, freedom of expression and the rights of students, faculty, and staff to express their views in our community. Core to this commitment is free, open and respectful dialogue, regardless of viewpoint as well as a commitment to Diversity, Equity and Inclusion of differing views on our campus. Every member of our community has this right—and the accompanying responsibility—not to interfere with or impede upon the rights of others to speak, study, teach, work and learn.

This work is guided by three principles for a safe and welcoming fall semester:

Safety We establish and maintain a safe and affirming environment for all members of the University community.

Culture We encourage and support respectful conversations and diverse viewpoints, transparent decision-making starting with education, and a fair notice approach to alleged violations of our rules and policies, including any consequences.

Compliance We support activities that adhere to University policies—including time, place, and manner guidelines—and those policies are enforced.

The Fall Planning Framework (framework) calls for significant prevention activities including a robust communication plan, support for lawful protest in alignment with University policies, and support for all community members in challenging times—including those who may feel threatened or targeted. We are cognizant that implicit biases have the risk of affecting how policies are enforced. We are mindful that consistent policy enforcement is necessary. The framework is meant to transparently describe the planned approach, which will be applied in a content- and viewpoint-neutral manner.

The following is based on national best practices as well as learning from spring semester 2024 activities. It was created by members of the University's Incident Response Team (IRT) and tested with small focus groups that included faculty and staff governance and student leaders. While we hope that there is no cause to utilize this framework in the coming year, we believe that a shared understanding of planned responses will support a safe and welcoming environment that also supports civic engagement and freedom of expression across the University's five campuses.

The University welcomes and supports civic engagement and free expression of ideas consistent with University of Minnesota policies, including [time, place, and manner, rules](#) for spontaneous civic engagement. It is important to note these policies are not new, nor have they been changed in advance of this fall. When civic engagement occurs, we seek to understand

the nature of the event to protect protesters and to support students, staff and faculty who may feel targeted. Engagement that is inconsistent with University policies becomes civil disobedience.

Our guiding principles to respond to violations of our time, manner, and place rules are:

- 1) as safety allows, to provide education on how to comply within the policies of civic engagement at UMN, and to have university administration, not the Department of Public Safety, be the first line of early engagement and education with protestors at UMN.
- 2) and as safety allows, to obtain consultation and share information with faculty and student advisory groups.

Goals for responding to violations of University Policy

	Goal of Interaction	Responsible	Actions
<p>Tier A</p> <p>Opportunity for voluntary compliance</p>	<p>Educate</p> <p>Describe University policy and procedures for civic engagement and time, manner, place rules. Provide handout on policies.</p> <p>Indicate that current activity does not comply, and suggest how protesters could come into compliance.</p> <p>Confirm student / employee / community member status of protesters and advise as to applicable policies. Notify that failure to provide student status is a violation of student conduct code.</p> <p>Explain process, and future consequences for violating policies including administrative and legal.</p> <p>Discuss with protestors the outcome they seek.</p>	<p>Who: University official with experience engaging with students, with DPS support as deemed appropriate.</p> <p>What: Handout on policies, Handout on process and consequences (administrative, legal)</p>	<p>Education</p>
<p>Tier B</p> <p>Fair Notice</p>	<p>Fair Notice</p> <p>Restate and provide written notice again that protestors are knowingly violating policy.</p> <p>Describe administrative consequences and provide notice that they will be implemented if behavior continues.</p> <p>Educate on potential legal consequences of continued action.</p> <p>Discuss with protestors the outcome they seek.</p>	<p>Who: University official with experience engaging with students, with DPS support as deemed appropriate.</p> <p>What: Handout on policies, handout on process and consequences, handout with detail on administrative consequences.</p>	<p>Specific warning of administrative action</p>

<p>Tier C</p> <p>Escalation/ Final Warning before legal consequences, with university discipline where appropriate imposed.</p>	<p>Administrative Consequences</p> <p>Restate and provide written notice again that protestors are knowingly violating policy.</p> <p>Administrative consequences imposed, description of legal consequences provided.</p> <p>Notification that ongoing policy violation will result in legal enforcement, including removing tents/people from the area and additional action may be taken up to and including arrest and being barred from campus.</p> <p>Discuss with protestors the outcome they seek.</p>	<p>Who: Uniformed DPS Officer with University official.</p> <p>What: Handout on policies, handout on process and consequences, handout as to administrative consequences, handout with detail on legal consequences.</p>	<p>For students, disciplinary charges and, where appropriate, imposition of interim suspension.</p> <p>Specific warning of legal action</p>
<p>Tier D</p> <p>Enforcement</p>	<p>Removal / Clearing of area</p> <p>Enforce policy, remove protestors or tents</p>	<p>Who: Uniformed DPS Officers</p> <p>What: Legal documents for arrest</p>	<p>Legal consequences imposed</p>

*****Considerations of safety are paramount and will accelerate tiers of responses to protect the community as real time information dictates.*



BOARD OF REGENTS DOCKET ITEM SUMMARY

Board of Regents

August 27, 2024

AGENDA ITEM: Resolution Related to Requests for Divestment of Consolidated Endowment Fund Holdings

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

This is a report required by Board policy.

PRESENTERS: Regent Janie S. Mayeron

PURPOSE & KEY POINTS

The purpose of this item is to act on a resolution related to requests for divestment of Consolidated Endowment Fund holdings (Endowment).

In response to recent requests for divestment of certain Endowment holdings based on international social and political events and actions, the Board engaged in a work session at the June 2024 meeting that provided an overview of the Endowment's investment practices, management, and governing policies, including a summary of past divestment actions. The session also explored the complexities of modern institutional investing, the challenges of consensus on social and political issues, and the potential impacts of divestment on both external events and the Endowment itself. At the July 2024 meeting, the Board reviewed and discussed a draft resolution, highlighting the complexity of the issue, including the practical challenges of divestment in the current financial environment.

Following the June and July meetings and engagement with a diverse array of stakeholders including students, faculty, staff, alumni, community members, and legislators, the resolution was updated. The revised resolution seeks to further clarify the intended harmonization between financial stewardship of the Endowment and the principles and practices through which the University's mission and values, along with concerns from the University community, are integrated into the investment process.

Key points of the revised resolution include:

- Maintaining a neutral position on Endowment investments as they relate to social and political issues and base investment decisions on financial criteria as defined by Board policy
- Declining requests to divest from Israel-related investments
- Directing the President to:
 - develop a process for evaluating future divestment requests which includes the required principles stated in the revised resolution and described below

- maintain adherence to previous divestment actions, including Sudan and the phased divestment of fossil fuels
- continue to integrate environmental, social, and governance (ESG) principles into the investment process, consistent with current Board policy

The revised resolution acknowledges that divestment may be appropriate in rare cases and therefore directs the President to develop a process for evaluating future divestment requests. This process must require that requests demonstrate fundamental incompatibility with the University's mission and values, show broad consensus within the University community and beyond, consider the potential impact on relevant social and political matters, and assess the financial and operational effects on the Endowment.

The revised resolution also affirms that, with respect to Endowment investments, the Board's neutral position on social and political matters and events is inherently consistent with the directive mandated by existing Board policy to integrate ESG principles. The integration of ESG principles enhances the investment decision-making process by providing a more comprehensive assessment of financial risks and opportunities. Fundamentally, ESG integration and neutrality represent flip sides of the same coin: ESG integration involves the incorporation of financially material ESG considerations, whereas neutrality involves the exclusion of non-financially material ESG considerations in the investment decision-making process.

BACKGROUND INFORMATION

The Board previously discussed this topic at the following meetings:

- July 2024: *Resolution Related to Institutional Neutrality for Consolidated Endowment Fund Investing*, Board of Regents
- June 2024: *Understanding the University's Centrally Held Endowment*, Board of Regents Work Session



REGENTS OF THE UNIVERSITY OF MINNESOTA

RESOLUTION RELATED TO

Requests for Divestment of Consolidated Endowment Fund Holdings

WHEREAS, the Board of Regents (Board) has established policies that govern the investment and use of the University of Minnesota's (University) Consolidated Endowment Fund (Endowment); and

WHEREAS, the University seeks to maximize Endowment investment returns within the parameters set by Board policy to support the University's mission and advance the goals of current and future systemwide strategic plans, such as affordable tuition, groundbreaking research, and market competitive compensation; and

WHEREAS, Board of Regents Policy: *Endowment Fund* currently states that the "University shall integrate environmental, social, and governance principles in its investment decisions, consistent with the University's mission and values"; and

WHEREAS, there have been requests to divest of certain investments related to Israel and other specific Endowment holdings based on social and political matters and events; and

WHEREAS, the State of Minnesota has previously expressed its policy stance regarding discrimination against Israel through the enactment of Minnesota Statutes §16C.053, which prohibits state agencies from contracting with vendors who discriminate against Israel; and

WHEREAS, the Board engaged in a work session that reviewed current and past Endowment investment practices, the evolution of Board and administrative actions in this area, the effect of divestments on events and political matters, and the impact of divestments on the Endowment; and

WHEREAS, the Board and administration have engaged with a diverse array of stakeholders, including students, faculty, staff, alumni, community members, and legislators, and the Board acknowledges and respects the wide range of deeply held viewpoints regarding requests for divestment.

NOW, THEREFORE, BE IT RESOLVED that the Board, in exercising its fiduciary duty over the Endowment, adopts a position of neutrality with respect to the Endowment and directs the President to continue to base investment decisions on financial criteria as defined by Board policy. Given that position, the Board declines the request to divest of certain investments related to Israel.

BE IT FURTHER RESOLVED that the Board recognizes that divestment may be appropriate in rare circumstances and directs the President to develop a process for the submission of those requests for divestment, which shall include the evaluation of the request and, if determined by the President, a recommendation to the Board regarding the request. The following provisions shall be included as part of the process developed by the President:

- Requests for divestment must show how the investment is fundamentally incompatible with the University's core mission and values;
- Requests for divestment must demonstrate that there is a broad consensus regarding the request within the University community (e.g. students, faculty, staff, and alumni) as well as, where applicable, the State of Minnesota, the United States, and respected domestic and international organizations;
- The process to evaluate a request for divestment shall also take into consideration the potential impact on the social and political matters and events that the request is designed to address; and
- The process to evaluate a request shall also consider the financial and operational impact to the Endowment should divestment be implemented.

BE IT FURTHER RESOLVED that, for the avoidance of doubt, the Board's adoption of a position of neutrality with respect to the Endowment neither supersedes nor nullifies any prior Board or administrative actions with respect to divestments, including, but not limited to, the University's decision to divest holdings related to Sudan and the University's commitment to phased divestment of fossil fuels.

BE IT FURTHER RESOLVED that, for the avoidance of doubt, the Board's position of neutrality with respect to the Endowment shall be consistent with the integration of environmental, social, and governance (ESG) principles as required by Board of Regents Policy: *Endowment Fund* since the integration of ESG principles is intended to further enlighten and strengthen the investment decision-making process by providing a more comprehensive view of financial risks and opportunities.