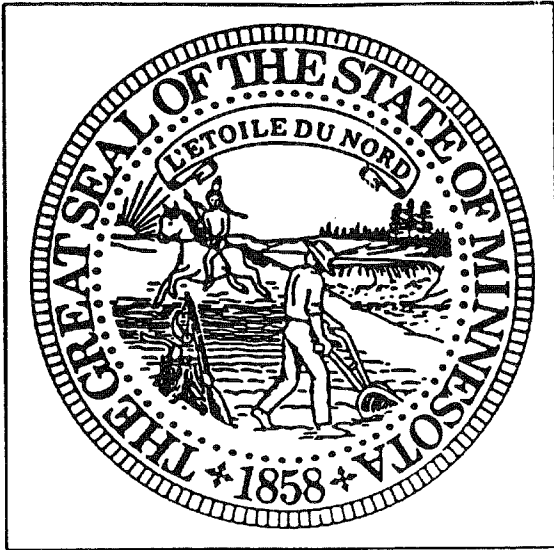


Regent Candidate Advisory Council
Report to the Minnesota Legislature
1995

85 State Office Building, St. Paul, MN 55155
(612) 297-3697



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To the President of the Senate and the Speaker of the House:

In 1988 the Minnesota Legislature adopted Minnesota Statute 137.0245, a copy of which (as amended) is attached as Exhibit 1. This statute established the Regent Candidate Advisory Council (the "Council") consisting of 24 individuals who were to be appointed to staggered 6 year terms, one-half by the Subcommittee on Committees of the Committee on Rules and Administration of the Senate and one-half by the Speaker of the House of Representatives. Council membership, with 19 current members, is shown in Exhibit 2.

This statute directed the Council, in consultation with current and former regents and the administration of the University of Minnesota, to develop criteria for the selection of regents, to prepare a description of regent responsibilities and duties, to identify and recruit qualified candidates, and to recommend at least two and not more than four candidates for each position to be filled by the Legislature. The statute provides for the submission of the Council's report by March 15th of each odd numbered year.

Pursuant to this legislation, in 1989, 1991, and 1993, and following numerous committee and full Council meetings, substantial publicity of its efforts (public hearings, extensive recruitment efforts and consultation with a host of legislators, sitting and former regents, University officials and others), the Council received 141 applications in 1989, 132 in 1991 and 107 in 1993. From these applicants, the Council selected 48 individuals for personal interview in 1989, 47 in 1991 and 42 in 1993. This process resulted in the recommendation of four individuals for each regent position to be filled by the Legislature in 1989 and 1991 and four for

each of four open positions (the 2nd and 3rd Congressional districts plus two open at-large positions) and two individuals for the 8th Congressional District position in 1993. Due to a resignation in the 4th Congressional District in February, 1994, the Council followed its usual process and recommended four candidates, from a field of 29 applicants, to the Legislature.

The Council was extremely pleased with the quality of the applicants and with those ultimately selected for recommendation. It also was gratifying to note that the Legislature each time selected regents from the candidates the Council had recommended.

The Council began meeting again in June, 1993. It elected Thomas Renier as its new chair and Bruce Hammes as Vice Chair and again organized itself into several committees to prepare for the task of seeking out and selecting candidates for recommendation to the Legislature in 1995.

The Council has held numerous meetings and its committees met frequently. The various documents and forms it had previously developed to guide its own actions and procedures or otherwise respond to its legislative mandate were reviewed and revised where deemed appropriate. These documents and forms are attached as exhibits as follows:

Exhibit 3 - Procedural Rules

Exhibit 4 - Fact Sheet

Exhibit 5 - Statement re. Board of Regent Responsibilities

Exhibit 6 - Statement re. Criteria for University Regents

Exhibit 7 - Statement re. Individual Regent Responsibilities

Exhibit 8 - Application form for University of Minnesota Board of Regents.

Exhibit 9 - Guidelines for Conduct by Members of the Council

Exhibit 10 - Candidate Conflict of Interest Statement

Exhibit 11 - Policy on Legislative Communications

Exhibit 12 - Selection Procedures for Recommendation of Candidates to the Legislature

The Council is committed to the concept of both diversity (see Exhibit 13 for the Council's Statement of Diversity) and excellence in its selections. It has reaffirmed its previously adopted policy of being guided in its deliberations and recommendations by a two term limit.

In an attempt to learn from past experience, the Council received a grant from the McKnight Foundation to conduct an evaluation of the Council's policies, procedures, method of operating and the affect and impact of its work. The Council retained Diane Morehouse, of Quality Evaluation and Development, to work with the Council's evaluation committee; to gather data from key informants; to assess the council's strengths and weaknesses; and to help members evaluate the findings in her report. The Council conducted a two-day retreat in June, 1994 to discuss the consultant's findings and to chart a course of action based upon those findings. Members of the Council found this evaluation to be an extremely helpful exercise: it prompted the review and revision of several documents and set in motion a number of actions aimed at improving the Council's process. A summary of the consultant's findings is Exhibit 14. Copies of the evaluation report are available from the office of the Legislative Coordinating Commission.

Members of the Council and its chair have used a variety of methods to seek qualified candidates. The Council contacted the editorial boards of the state's 28 daily

newspapers (this number includes the *Fargo Forum* and *Grand Forks Herald*) to solicit editorials and news articles about the council and its statewide search for qualified candidates. In addition, the Council asked the state's radio stations to promote the Council's work through public service announcements. Its members have had a substantial volume of communications and personal visits with past and present regents, legislators, community leaders, representatives of many other organizations and with members of the public in its attempt to stimulate applications from candidates throughout the state. An example of one such communication, which was sent to over 500 individuals and organizations is attached as Exhibit 15.

Each candidate was required to complete the application form (Exhibit 8). The Council is pleased to report that its efforts resulted in the submission of 92 applications from extraordinarily well-qualified individuals from all parts of the state, of course including applicants for the student and 5th Congressional District positions. Candidates for the 5th district and student positions were offered the opportunity of also being considered for the two at-large positions if they so desired. A number of them chose to do so and they were included in the at-large applicant pool if not selected for recommendation for one of those positions. It is a tribute to the University that so many excellent candidates came forward to indicate their willingness to serve on this prestigious, but non-paying board.

The following is a breakdown by district of the number of applications received:

5th Congressional District	13
At-Large (student)	26
At-Large	<u>53</u>
TOTAL	92

The difficult selection task was begun by picking 28 applicants for personal interview. Three of these individuals withdrew prior to interview. Of the candidates who were interviewed, 6 sought the 5th Congressional District position, 6 sought the student position, and 13 sought the two at-large positions. The names of those interviewed, by congressional district, is attached as Exhibit 16. Council members were assigned the duty of checking references and associates concerning candidates' service on other business, charitable and public body boards and organizations. Members of the Council also sought additional information about the candidates from others who knew them.

Interviews were conducted on February 22nd, 23rd, and 27th, with each candidate allotted 35 minutes, including 5 minutes for an opening statement and followed by a 30 minute question and answer period. To insure some uniformity in the questions asked of candidates, a subcommittee prepared a list of questions to be asked by Council members if these subjects were not otherwise covered in the interviews. A copy of this form is attached as Exhibit 17.

Because the question arose with respect to one candidate for the student regent position, the Council asked Mr. Peter S. Wattson, Senate Counsel, for his opinion on the issue of whether there was a residency or citizenship requirement for applicants for the student position. Mr. Wattson's opinion, dated January 31, 1994, which indicates that there are no such requirements, is attached as Exhibit 18.

On February 28th, following the completion of interviews, the Council used its selection procedures (Exhibit 12) to make final recommendations to the Legislature. There were so many excellent candidates that making the selection decisions was extremely difficult. While the number of well-qualified candidates made for hard choices, it resulted in a list of outstanding

candidates, which the Council is proud and pleased to submit to the Legislature. Listed below are the candidates recommended for consideration for election as University of Minnesota Regents, with the five candidates for the two at-large positions listed as one group.

At-large (2 seats)

Warren C. Larson, Bagley
Richard McNamara, Edina
Patricia Spence, Rice
Emily Anne Staples Tuttle, Wayzata
Bilone W. Young, St. Paul

Fifth District

Jean B. Keffeler, Minneapolis
Michael M. Vekich, St. Louis Park

At-large (student)

Jessica Phillips, Virginia
Cecil Smith, Minneapolis

While this is a matter entirely for the discretion of the Legislature, the Council recommends that the Legislature consider those candidates not selected for Regent from the 5th district as part of the at-large pool. The Legislature has done so in the past.

The application forms and accompanying data submitted by each of these candidates have been delivered to the chairs of the Senate and House Education Committees and to the conveners of the fifth congressional district caucus. Copies of these applications have been delivered with this report to every member of the Legislature. In addition, all of these documents and interview tapes are available in the office of the Legislative Coordinating Commission.

When a vacancy in a regent position occurs during the legislative interim, it is the duty

requests from the Governor's office for assistance in filling such vacancies, the Council adopted a plan for action in response to such requests. The plan is attached as Exhibit 19.

There were so many individuals who aided the Council in its efforts, that it is not possible to list them all, but we especially thank Mary E. Ryan, Acting Director of the Legislative Coordinating Commission, and Barbara A. Patterson and Karen M. Voracek, staff assistants for all of their efforts. The Council believes the large number of highly qualified candidates who have come forward and indicated their willingness to serve has confirmed the Legislature's wisdom and farsightedness in adopting this new, and we believe improved, method of seeking out and selecting candidates for University of Minnesota Regent positions.

Finally, we thank the Legislature and those responsible for our appointments for this most interesting and most challenging opportunity for public service.

Respectfully submitted,

Regent Candidate Advisory Council

Thomas S. Renier, Chair

EXHIBITS

Laws 1988, Chapter 703, Sec. 16. (S.F. 2569)

Passed by Legislature April 19, 1988. Signed by the Governor April 28, 1988. Effective April 29, 1988. Amended by laws 1990, Chapter 383 (S.F. 2159). Passed by the Legislature March 26, 1990. Signed by the Governor April 3, 1990.

Sec. 16. [137.0245] [REGENT CANDIDATE ADVISORY COUNCIL.]

Subdivision 1. [ESTABLISHMENT.] A regent candidate advisory council is established to assist the legislature in determining criteria for, and identifying and recruiting qualified candidates for membership on the board of regents.

Subd. 2. [MEMBERSHIP.] The regent candidate advisory council shall consist of 24 members. Twelve members shall be appointed by the subcommittee on committees of the committee on rules and administration of the senate. Twelve members shall be appointed by the speaker of the house of representatives. No more than one-third of the members appointed by each appointing authority may be current or former legislators. No more than two-thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of any member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 shall govern the advisory council, except that the members shall be appointed to six-year terms with one-third appointed each even-numbered year.

Subd. 3. [DUTIES.] The advisory council shall:

(1) develop, in consultation with current and former regents and the administration of the University of Minnesota, a statement of the selection criteria to be applied and a description of the responsibilities and duties of a regent, and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the board of regents, based on the background and experience of the candidates, and their potential for discharging the responsibilities of a member of the board of regents.

Subd. 4. [RECOMMENDATIONS.] The advisory council shall recommend at least two and not more than four candidates. By March 15 of each odd-numbered year, the advisory council shall submit its recommendations to the president of the senate and the speaker of the house of representatives. The legislature shall not be bound by these recommendations.

Subd. 5. [SUPPORT SERVICES.] The legislative coordinating commission shall provide administrative and support services for the advisory council.

Sec. 17. [INITIAL TERMS.]

By September 1, 1988, each appointing authority shall appoint four members to terms that expire January 1990, four members to terms that expire January 1992, and four members to terms that expire January 1994.

Listed below are the 19 appointees (there are five vacancies on the board) for the Regent Candidate Advisory Council (in alphabetical order). Members of the Council serve staggered six year terms. As required by law, the group is bi-partisan and represents all areas of Minnesota.

Lurline J. Baker-Kent (term expires in 1996) of Woodbury, MN. Ms. Baker-Kent is the Assistant Commissioner in the Department of Corrections. She has also been the former Executive Director of the YWCA in St. Paul, Chair/Chief Executive Officer for Metropolitan Waste Control Commission, and the Director for The Restitution Program for Arrowhead Regional Corrections in Duluth. She has received numerous awards and recognitions including the Governor's Certificate of Recognition, the NAACP National Service Award, and Duluth Woman of the Year.

Carol Batsell (term expires in 2000) of Minneapolis, MN. She works as a public defender for Hennepin County.

Jane Belau (term expires in 1994) of Rochester, MN. She has experience in education associations and in a business. She is president of the Belau Consulting Group and formerly vice president of Control Data Corporation. She served on the University Graduate School Board of Advisors, is a Director of the Minnesota High Technology Council, a member of the Minnesota Commission on Reform and Efficiency, a Director of the Minnesota 4-H Foundation Board of Trustees and the Minnesota Private College Council.

Manuel Cervantes (term expires in 1994) of St. Paul, MN. He is a Referee with the Ramsey County Family Court. He formerly worked as an attorney for the U.S. District Court and the U.S. Court of Appeals for several Circuits. He has been active in many community organizations including some concerned with Hispanic persons.

Dr. Albert V. deLeon (term expires in 1996) of St. Paul, MN. He recently retired as the first permanent Executive Director of the Council on Asian-Pacific Minnesotans. He has served as executive director of human resource agencies in both Arizona and Colorado and has served on the faculty of California State University, the University of San Diego and the U.S. International University in San Diego.

Humphrey Doermann (term expires in 1996) of St. Paul, MN. Mr. Doermann is the President of the Bush Foundation. He has also served on the Council on Foundations, the College Board, and the Minnesota Legislative Task Force on Financial Aid. He brings to the Council a wide range of experience from the academic realm such as Director of Admissions for Harvard College, Assistant Dean at Harvard University, and teaching.

Kathy Gaalswyk (term expires in 1996) of Pillager, MN. She is Executive Director of the Little Falls based Central Minnesota Initiative Fund, a philanthropic organization that works to strengthen communities and families through economic development loans and grants to non-profits. She was previously with the Region 5, Regional Development Commission in Staples for ten years, the last five years as executive director. She and her husband are partners in a family farm in southern Cass County.

Thomas A. Gedde (term expires in 1998) of Anoka, MN. He is a partner with the firm of Jensen, Hicken, Gedde and Scott, P.A. in Anoka. He was a member of the Brooklyn Park Planning Commission from 1977-1988 and served as its Chair. He served as City Attorney for both Anoka (1979-present) and Falcon Heights (1987-1992) and was President of the Anoka County Bar Association in 1982. He serves on the Board of Mercy Community Health Foundation.

Bruce Hamnes (term expires in 1996) of Stephen, MN. He is a farmer and manages the Hamnes family farm operation in Stephen. He also founded a seed company and pioneered seed quality research. His knowledge of business and rural issues has helped him serve several state and national agricultural groups. He is currently a board member of the Northwest Minnesota Initiative Fund, a philanthropic organization that addresses economic development and the changing social and human needs in rural Minnesota.

Ezell Jones (term expires in 1998) of Eden Prairie, MN. He is Chair and CEO of Premier RiskTech Services, an insurance brokerage firm. He serves on the boards of the YMCA, Penumbra Theatre, Stairstep Foundation, Minneapolis Community College Foundation and the Meyerhoff Foundation. He currently serves as treasurer of the national University of Minnesota Alumni Association.

David Kanatz (term expires in 1996) of Brooklyn Center, MN. He has been a University of Minnesota administrator for 35 years and thus understands the workings of the University from the inside. His involvement with the University and its regents has ranged from the Student Activities Bureau to Assistant Director of the student Financial Aid Office.

Mary McLeod (term expires in 1998) of St. Paul. Ms. McLeod is an attorney specializing in mediation services. Formerly she has practiced law with Faegre and Benson and served as Director of Minnesota Government Relations at Norwest Corporation. Currently, she is a board member of the Minnesota Gambling Control Board and the Minnesota Fair Housing Center.

Gregg Orwoll (term expires in 1996) of Rochester, MN. A graduate of the University of Minnesota Law School, he recently retired as General Counsel and subsequently as Senior Counsel of Mayo Clinic and the Mayo Foundation. He has served on the University Law Alumni Board and the Board of Visitors. He is a member of the State Compensation Council and a Trustee of the William Mitchell Law School.

Larry Oveson (term expires in 2000) of International Falls. He is a faculty member at Rainy River Community College in International Falls. He is also an officer of the Minnesota Community College Faculty Association, the state wide union for faculty in the community colleges. Mr. Oveson is a 1969 graduate of Rainy River Community College, a 1971 graduate of the University of Minnesota - Duluth, and a 1981 graduate of St. Cloud State University.

Thomas Renier (term expires in 1998) of Duluth MN. He is President of the Northland Foundation, a regional foundation engaged in business development and grant-making which addresses social, human and economic issues. He worked for 12 years with the Arrowhead Regional Development Commission, serving as deputy director for six years. He is also the founding director of a non-profit business development organization.

Paul Thatcher, Sr. (term expires in 2000) of Minneapolis, MN. He is currently chair of the board of Trussbilt, Inc., Minneapolis, and the MEC Corporation of Neodesha, Kansas. He is a member of the Executive Committee of the Board of Directors of the Minnesota Orchestral Association and a member of the Metropolitan Sports Facilities Commission.

Jane Tschida (term expires in 1996) of St. Paul, MN. She is a consultant for Public Affairs and Management Support. She was formerly the executive director of the Minnesota Trial Lawyers Association, a member of the St. Louis Park City Council and served as president of the Minnesota Government Relations Council.

Nedra Wicks, (term expires in 1996) of Rochester, MN. Ms. Wicks brings 25 years of community and board leadership focused in areas of education and human services to the Council. She currently serves on the Charities Review Council of Minnesota (immediate past chair), the Olmsted County Social Services Advisory Board (immediate past chair), Minnesota News Council, and the Minnesota State Board of Education. Her experience and skills range from mathematics teacher and elected public official, to facilitator and fund raiser.

George Winn, (term expires in 1998) of New Prague, MN. Dr. Winn practices dentistry in New Prague. He currently serves on the Queen of Peace Hospital Board of Directors and the Marquette Bank-New Prague Board of Directors. He is Past President of the Minnesota Dental Association and was also on the teaching staff at the University of Minnesota School of Dentistry. Dr. Winn served on the Board of Governors, University of Minnesota Hospital in 1982-83.

Regent Candidate Advisory Council
Procedural Rules

Introduction

The Regent Candidate Advisory Council was established by act of the Legislature of the State of Minnesota in 1988 to advise the Legislature in the election of regents of the University of Minnesota. Its duties are to develop a description of the duties of regents, outline criteria to be applied in recommending candidates, and identify and recruit at least two, and not more than four, qualified candidates for each opening on the Board of Regents.

The Council consists of twenty-four members appointed according to the provisions of the legislative act establishing the Council. After initial appointments of one-third of the members each for two-, four-, and six-year terms respectively, the statute provides that appointments will be made in even-numbered years to terms of six years.

For purposes of conducting its business expeditiously, the Council has adopted the following procedural rules.

Rules Adopted by the Council

I. Officers

1. The officers of the Council shall be a Chair and one or more Vice Chairs as the Council shall, from time to time, deem advisable for the effective conduct of its business.
2. Officers shall be elected by a majority of the Council for two-year terms and shall serve until their successors are elected.
3. The first election of officers shall be for terms to expire at the annual meeting in 1989. Subsequently, the Council shall regularly elect officers at its first biennial meeting (Section III, #1) following biennial appointments to the Board of Regents. In the event of a vacancy, for whatever cause, the Council may elect an officer to complete the vacated term at any meeting by majority vote.

II. Powers and Duties of the Officers

1. The Chair shall preside at all meetings of the Council, shall have a right to vote on all questions, shall appoint to all committees after consultation with the Council, shall schedule meetings and establish the agenda of meetings in consultation with the Council, shall be responsible for notice of meetings, and shall have such other powers and duties as the Council from time to time may prescribe.
2. The Vice Chair(s) shall perform such duties as may be delegated by the Chair or prescribed from time to time by the Council. In the absence of the Chair, the Vice Chair designated by the Chair shall perform the duties of the Chair.

III. Meetings

1. The biennial meeting of the Council shall be called in the month of June of the Odd-numbered years to review its proceedings, elect officers in accord with Section I, #3 of these procedures, establish committee memberships, conduct other business, and establish a schedule of regular meetings as required to carry out its duties and responsibilities.
2. Special meetings may be held at the call of the Chair, and it shall be the duty of the Chair to call a special meeting within thirty days at the request of five members of the Council.
3. Written notice of all meetings shall be sent to each member of the Council at least seven days before the date of the meeting. In the case of special meetings, the notice shall state the purposes of the meeting, and no business shall be transacted that does not relate to the purpose stated.
4. Whenever notice is required under the provision of these rules, a waiver of notice signed by the persons entitled to notice shall be deemed equivalent to waiver of the notice provision. Attendance at any meeting shall be conclusively deemed a waiver of notice unless the member appears at the meeting solely to object to the legitimacy of the meeting.
5. A majority of the Council shall be necessary and sufficient to constitute a quorum for the transaction of business, and the act of a majority of the members present and voting at a duly called meeting of the

Council or of any committee shall be the act of the Council, or the committee, except as may be provided by statute or these rules. Once a quorum has been determined there shall be no further quorum calls and business may be conducted by a majority vote of those present and voting.

6. Meetings shall be conducted according to Robert's Rules of Order, except as otherwise provided in these rules.
7. Minutes of all meetings of the Council and committees of the Council shall be distributed to members of the Council.

IV. Action without Formal Meeting

Any action required to be taken by the Council or any committee of the Council may be taken without a formal meeting by unanimous consent of the members. Meetings may be conducted by mail, telephone, or in any other way the Council approves. However, a written consent setting forth the action so taken and signed by all members of the Council or of a committee must be filed with the minutes of the meeting.

V. Committees

1. Standing committees shall be established as the Council deems advisable for carrying out its duties and responsibilities. The Chair and other members of standing committees shall be appointed by the Chair of the Council after consultation with the Council.
2. The Network Committee, the Internal Affairs Committee, the Evaluation Committee and the Officer's Committee shall be the standing committees of the Regent Candidate Advisory Council.
3. The Council through action taken in accord with provisions outlined in Section III, #5 of these procedures may at any time make adjustments to the name and/or charge of any of its standing committees.
4. A standing committee may be discontinued in accord with Section VI, Amendment of Rules, of these procedures.
5. The Chair of the council, after consultation with the Council, may from time to time, appoint special committees to assist in the business of the Council.

VI. Amendment of Rules

These rules may be changed or amended at any meeting of the Council by a two-thirds vote of those present, provided notice of the substance of the proposed amendment is sent to all members of the Council at least seven days before the meeting.

Adopted May 4, 1990
Revised April 10, 1992

C:procrule

**REGENT CANDIDATE ADVISORY COUNCIL
FACT SHEET**

The Regent Candidate Advisory Council has prepared this fact sheet relating to the Council and to the selection of Regents of the University of Minnesota. The facts contained herein are statutory if so indicated, or otherwise are in accordance with the Workplan adopted by the Council.

A. What is the legal standing of the Council?

The Regent Candidate Advisory Council was created by the Legislature in 1988 and is composed of 24 public members appointed to six-year, staggered terms, one-half by the Speaker of the House, and one-half appointed by the Senate Subcommittee on Committees of the Committee on Rules and Administration.

B. What are the statutory duties of the Council?

To develop criteria for selection of Regents; to develop a description of the responsibilities of Regents; and to recommend two to four Regent Candidates to the Legislature for each vacancy arising out of expired terms of the Board of Regents.

C. How many Regents are there and what are their terms?

There are 12 Regents elected by the Legislature to six-year, staggered terms; four terms expire in every odd-numbered year. Eight of the Regents represent each of the eight congressional districts of the state. Four of the Regents are elected At-Large. One At-Large Regent must (by statute) be a student enrolled in a degree program at the time of his/her election to the Board of Regents.

D. Are members of the Board of Regents paid for their service on the Board?

No, service on the Board of Regents is voluntary.

E. How does one become considered for election as Regent by the Legislature?

By recommendation to the Legislature by the Regent Candidate Advisory Council or by self-nomination directly to the Legislature.

F. How does one become considered by the Regent Candidate Advisory Council?

Self-nomination or nomination by one or more citizens; nomination by one or more legislators; or nomination by one or more members of the Council.

G. When are nominations to the Board of Regents open?

Nominations are open and applications are available on **October 10, 1994**.

H. Must an application be filed?

Yes. Those nominated will receive an application form which must be completed and postmarked no later than **Friday, December 9, 1994**.

I. Are nominations and applications public?

The names of applicants are made public only if the applicant is selected as a finalist to be interviewed by the Regent Candidate Advisory Council.

J. When does the Council take action on the nominations?

In early January, 1995, the Council will review all applications and determine which nominees to interview. In late February, the Council will conduct interviews and recommend two to four persons *for each open position* to the Legislature for its consideration by **March 15, 1995**.

If you need further information, please call or write:

The Regent Candidate Advisory Council
c/o Mary E. Ryan
Room 85, State Office Building
St. Paul, Minnesota 55155
(612)296-1121

REGENT CANDIDATE ADVISORY COUNCIL

BOARD OF REGENTS RESPONSIBILITIES

1. Clarify the mission of the University and approve programs necessary to achieve it.
2. Appoint, monitor, advise, motivate, support, evaluate and, if necessary or advisable, replace the President.
3. Approve major policies, long range plans, educational programs, and annual budgets while clearly delegating administrative responsibilities.
4. Accept fiduciary responsibility for the long term welfare of the University.
5. Ensure adequate resources -- human, financial, physical -- and effective management of those resources.
6. Preserve institutional autonomy recognizing that the preservation of autonomy requires accountability.
7. Ensure collaboration with other educational systems and with other institutions related to its mission.
8. Serve as a court of appeals when appropriate.
9. Enhance the public image of the University.
10. Monitor and evaluate the performance of the institution in achieving its goals and mission.
11. Regularly evaluate the Board's performance and take steps to improve it.
12. Assure that the University remains an equal opportunity institution.

1994

**REGENT CANDIDATE ADVISORY COUNCIL
CRITERIA FOR UNIVERSITY REGENTS**

Residency

Regent candidates must be Minnesota residents. Candidates for the seat identified by Congressional district must be residents of the corresponding district as defined by statute.

Interest in higher education

Knowledge and understanding of the higher education system in Minnesota and particular understanding of the role of the University as a public research and land-grant institution are advantages in seeking appointment to the Board of Regents. Candidates should at least demonstrate an informed interest in higher education and general awareness of the threefold mission of the University in teaching, research and outreach/public service.

Civic and social commitment

A record of civic and social commitment, whether through volunteer service or by the nature of one's employment, can be a helpful indicator of the kind of experience and dedication relevant to distinguished service on the Board of Regents.

Board Experience

Candidates are ordinarily expected to have prior experience on boards of directors or other governing bodies with responsibilities analogous to those of the Board of Regents. In the absence of such experience candidates may offer other evidence of ability to participate responsibly in the governance of a large and complex public corporation.

Personal Qualities

Candidates must be persons of high moral and ethical integrity. Among many other qualities which might be cited, breadth of vision and ability to work constructively as a member of a diverse group in an atmosphere of collegiality and common concern are perhaps most important. Scarcely less important is the ability to function calmly and impartially in meetings open to the public and under public scrutiny.

Conflicting interest

Candidates should recognize any activity that could be harmful or disruptive if appointed to the Board of Regents and should be willing to place the University before any self interest or constituency and act accordingly.

Candidates should recognize that holding or seeking major public elective office may be incompatible with appropriate service on the Board of Regents. Regent candidates should be prepared to discuss this possible conflict prior to selection, if it applies to them, and should be prepared to have to choose between Regent tenure and other major elective public service if the question should arise during the term of Regent service.

Feasibility

Candidates need to be not only willing but physically and financially able to devote a sizable amount of time and energy over a period of six years to a position for which there is no monetary compensation.

Student Regent

Candidates for the student position on the Board of Regents must be enrolled in a degree program at the University at the time of election to the Board. Candidates for the student position are judged by the same criteria as other candidates except that quality of participation in student activities is considered rather than experience on boards of directors or other governing bodies.

revised 10/94

INDIVIDUAL REGENT RESPONSIBILITIES

1. To seek to be fully informed about the University and its role in the state and in higher education and to be responsive to the changing environments which affect it.
2. To support the mission of the University.
3. To speak one's mind at Regents' meetings but support policies and programs once established.
4. To understand that the Regents' role is policy making and not involvement in administration or the management process.
5. To strengthen and sustain the President while being an active, energetic, and probing Board member exercising critical judgment on policy matters.
6. To communicate promptly to the President any significant concern or complaint and then let the President deal with it.
7. To defend the autonomy and the independence of the University.
8. To maintain an overriding loyalty to the entire University rather than to any part of it or constituency within it.
9. To represent all the people of Minnesota and no particular interest, community or constituency.
10. To help enhance the public image of the University and the Board of Regents.
11. To recognize that authority resides only with the Board as a whole and not in its individual members.
12. To recognize that the President is the primary spokesperson for the University, and the Chair of the Board is the only other person authorized to speak for the Board.
13. To foster openness and trust among the Board of Regents, the Administration, the faculty, the students, State Government and the public.
14. To maintain a decent respect for the opinions of one's colleagues and a proper restraint in criticism of colleagues and officers.
15. To recognize that no board member shall make any request or demand for actions that violate the written policies, rules and regulations of the Board or of the University.
16. To maintain the highest ethical standards and never to allow any personal conflict of interest to exist.

APPLICATION FOR THE UNIVERSITY OF MINNESOTA
BOARD OF REGENTS

Please submit completed and signed application form by 5:00 p.m., January 5, 1995 to:

Mary E. Ryan
Room 85, State Office Building
Saint Paul, MN 55155
(612) 296-1121

Regent Position(s) for which you are applying. You may check your congressional district, the at large position(s), or both.

- 5th U.S. Congressional District
- At-Large (2 positions)
- At-Large (student)

1. Name _____
(First) (Middle/Maiden-Optional) (Last)

2. Home Address _____
(Street) (Apt. #)

(City) (State) (Zip)

3. Home Telephone (_____) 4. Congressional District _____

5. High schools attended _____

Year of Graduation _____

6. Post-secondary institutions attended:

Name	Degree/Major Area of Study	Date Received

7. Current Occupation _____ Nature of Work _____
Voluntary or Paid

Description _____ Dates (Month/Year) _____

Address _____
(Street)

(City) (State) (Zip)

Telephone () _____

Name of Supervisor _____ Telephone () _____

8. Past occupation or experience (voluntary or paid), including dates and person to whom you reported. Please limit to last five positions.

<u>Organization</u>	<u>Position Held</u>	<u>Dates of Service</u>	<u>Name of Supervisor (if any)</u>
---------------------	----------------------	-------------------------	------------------------------------

9. Governing board experience (government, business, education, church, non-profits and/or offices held):

<u>Organization</u>	<u>Position Held</u>	<u>Dates of Service</u>	<u>Name of Chair During your Service</u>
---------------------	----------------------	-------------------------	--

Please answer the following questions using no more than 2 additional pages:

10. What was your most important work or volunteer achievement? Please describe it briefly and say why it was important.
11. Having read the enclosed description of Regents' selection criteria and responsibilities, please describe how your experience and qualifications would enable you to be a good Regent.
12. How do you characterize your style in group decision making?
13. What is your vision of the mission of the University of Minnesota for the next ten years?
14. What are the most important issues confronting the University of Minnesota at the present time and how would you contribute to solving them?
15. Explain what you believe to be a conflict of interest for a member of the Board of Regents. Do you have one? (Refer to the enclosed *Code of Ethics for Members of the Board of Regents.*)
16. The Board of Regents meets for two days each month. In addition to preparation for these meetings, there are numerous other University activities that a Regent may be called on to attend or elect to attend. Describe how you will manage your time and calendar to ensure your effectiveness on the Board.
17. Is it your present intention if elected to the Board of Regents to serve for the full duration of the term to which you are appointed? What circumstances might lead you to choose not to serve for the full duration of your term? Please offer explanatory comment.

18. Please list three/four references the Council might talk to in connection with your candidacy. (The Council and/or its designee may also talk to others, including supervisors and board colleagues, about your qualifications.)

<u>Name</u>	<u>Organization/Firm</u>	<u>Relationship</u>	<u>Telephone</u>
		()	
		()	
		()	
		()	

I certify that all information in this application is factually correct, and do hereby consent to my nomination.

(Signature)

(Date)

NOTE: Please do not submit written endorsements, letters of recommendation, supporting documentation or additional material unless otherwise requested.

REGENT CANDIDATE ADVISORY COUNCILGUIDELINES FOR CONDUCT
BY MEMBERS OF
THE REGENT CANDIDATE ADVISORY COUNCIL

The conduct of members of the Regent Candidate Advisory Council should be guided by the same high ethical standards sought in candidates for the Board of Regents. Only in this way will the integrity and quality of the Council's work be preserved. These guidelines have been adopted by the Council to ensure that objective.

GUIDELINES

1. Members of the Council should support the mission of the University of Minnesota and be well informed about it, its role in the state, and the changing environments which affect it.
2. Members of the Council should be informed about the role of the Board of Regents and in particular understand the distinction between higher education governance and administration which establishes the relationship of the Board of Regents to the President of the University.
3. Members of the Council should be committed to seeking the best qualified persons to govern the University. They should not allow social, business or other relationships to influence their objective review of individual Regent candidates.
4. While members of the Council are chosen to be broadly representative of the congressional districts of the state, they should carefully avoid serving regional or private interests. In no circumstances should a member derive financial benefit from service on the Council.
5. Members of the Council should devote serious attention to the qualifications of candidates for the Board of Regents, debate the relative merits of candidates in a fair and objective manner, and support publicly and privately the selection of candidates once made.
6. Members of the Council should respect the role of the chairperson of the Council as its only spokesperson. Any communications about the Council with legislators, candidates or others should be objective and clearly indicated as personal.

Guidelines for Conduct
Page 2

7. Members of the Council should refrain from lobbying the Legislature or trying to influence public opinion on behalf of any candidate for the Board of Regents.
8. To safeguard the integrity of the Council, members should avoid exploiting their Council membership to influence individual Regents or the Board of Regents as a whole.
9. A member of the Council should not be a candidate for the Board of Regents.
10. Finally, the conduct of the members of the Council should promote public confidence in the Regent candidate selection process as a non-partisan, good-faith effort to secure the best-qualified candidates for the Board of Regents.

REGENT CANDIDATE ADVISORY COUNCILCANDIDATE CONFLICT OF INTEREST STATEMENT

Because the University of Minnesota in the breadth of its programs in education, service, and research touches almost every aspect of life in Minnesota, any list of highly qualified candidates for nomination to the Board of Regents will clearly include individuals with areas in which there may exist a potential for conflict of interest.

This may range from service on a Board of Directors where the institution may compete with a program in education or service may be similar to one offered by the University all the way to earning one's livelihood in a profession where it may have either a special interest in or competition with some part of the University's program.

Examples could be where an attorney may have a special interest in the law school curriculum, a philanthropic organization may fund programs at the University or in competing institutions, an individual working for an educational institution in a competing system or advising on a project receiving State funding, or one could manage an organization which could find areas in which competition could occur.

If an affiliation with any such organization which touches on some aspect of the University were to exclude one from service, the University would lose the benefits of the contribution of time, talent and energy from a number of highly qualified individuals whose history of public service and personal integrity would make them excellent Regents, recognizing where conflicts could occur, and abstaining from influencing the discussion or voting where appropriate.

After a series of interviews we find that what is most important in this area, is that individuals recognize where the potential conflicts are possible, that they acknowledge them publicly, and abstain from voting on any matters on which these affiliations could conceivably bias his/her vote.

What is important is that this Council has chosen people of the highest caliber and of greatest integrity and we are confident that they can and will be capable of carrying out their responsibilities with honor contributing greatly to the Governance of the University.

REGENT CANDIDATE ADVISORY COUNCIL
POLICY ON LEGISLATIVE COMMUNICATIONS

The Council wishes to maintain clear and open communications with the legislature in an orderly fashion. The following policies will guide the Council and its members in its relations with the legislature.

1. In accordance with the guidelines for conduct for the Council, the Council chair is the primary and official spokesperson for the Council and the only person authorized to speak for the Council. Members of the Council speaking with the legislators will emphasize that they are speaking as individuals and not for the Council.

The chair, at his/her discretion, may delegate legislative contact to other members of the Council.

2. Legislative leadership and the leadership of the Education Committees in the House and Senate (both majority and minority), will receive copies of all Council minutes and documents.
3. If other legislators express an interest, they shall be sent the same written materials.
4. It is inappropriate for Council members to lobby on behalf of individual candidates for the Board of Regents at any time.

Effective proactive and reactive legislative communications can help ensure that our end product will be understood and accepted for what it is -- a good faith, intelligent endeavor to recommend worthy people as nominees for the position of University of Minnesota Regent.

(adopted by the RCAC November 2, 1990)

REGENT CANDIDATE ADVISORY COUNCIL
SELECTION PROCEDURES FOR RECOMMENDATION OF CANDIDATES TO THE
LEGISLATURE

ADOPTED November 11, 1994

I. Guidelines for selection of finalists to be interviewed:

- A. The Council will strive to interview a diverse group of qualified candidates for each open seat.
- B. Finalists shall be selected by ballot, with Council members voting for up to four nominees for each open seat. A simple majority of those voting (voting may be done by mail) will qualify a nominees as a finalist.
- C. Candidates receiving no votes will be eliminated from consideration. The remaining candidates will be placed on a second ballot. Members shall then vote for 0 to 4 candidates. These receiving a simple majority will qualify as finalists for interview.
- D. A third and final ballot may only be conducted if moved and seconded by Council members. If conducted, the third ballot shall follow the procedures stated in C. above.
- E. No individual may be chosen as a finalist without having submitted a complete and signed Application Form.

II. Selection Procedures

A. General Rules

- 1. Regardless of the number of Council members present and voting, candidates shall not be recommended to the legislature without having received support from a majority of total Council membership.
- 2. The numbers prescribed herein assume full Council membership (24). Those numbers may be reduced to accommodate vacant positions on the Council. They may not, however, fall below the

level which will provide majority support for successful candidates.

3. At any point, after the selection of at least 2 candidates for each open seat, selections may be closed by motion of any Council member with support of a majority of the full council membership.
4. No individual may be recommended to the legislature without having been interviewed and duly selected as prescribed herein.

B. Voting procedures for individual District, student regent, or at-large, if only one at-large seat is open:

1. First Ballot:

- a. In the initial ballot for each seat, each Council member votes for up to 4 candidates.
- b. If a candidate, or candidates, receives 16 or more votes, the individual with the highest vote total (or highest two individuals, if a tie) is selected.
- c. If no candidate receives 16 or more votes, there is no selection.
- d. Whether or not there is an selection, all candidates receiving no votes are eliminated. The candidate, or candidates, with the fewest number of votes are also eliminated.

2. Subsequent Balloting:

- a. Subsequent ballots will involve all remaining candidates, excluding those elected and those eliminated in prior ballots. The process for elimination of candidates will be the same in subsequent ballots as that used in the first ballot.
- b. Council members will vote for up to the number of open slots remaining after each prior ballot. For instance, if one person is selected on the first ballot, members will vote for up to 3 on the second ballot and so on.
- c. In all remaining ballots after the initial ballot, only one person may be elected in each ballot.
- d. After the initial ballot, the number of votes required for selection

will decline with each ballot to 15, then 14, then finally 13.

C. Voting procedures for At-Large seats when two or more seats are open.

1. First Ballot:

- a. Each Council member votes for up to the number of open seats times 4 (2 seats, vote for up to 8; 3 seats, vote for up to 12; etc.)
- b. If a candidate, or candidates, receives 16 or more votes, the individual with the highest and second highest vote totals of 16 or more votes will be selected, provided there are no ties which make the determination ambiguous.
- c. If ambiguity does not permit the selection of any one (e.g., 4 candidates have 17 votes, the highest number), there is no selection.
- d. If no candidate receives 16 or more votes, there is no selection.
- e. Whether or not there is a selection, all candidates receiving no votes are eliminated. All candidates having the two smallest numbers of votes are also eliminated.

2. Subsequent Balloting:

- a. Subsequent ballots will involve all remaining candidates, excluding those selected and those eliminated in prior ballots. The process for elimination of candidates will be the same in subsequent ballots as that used in the first ballot.
- b. Council members will vote for the number of open slots remaining after each prior ballot.
- c. In all remaining ballots after the initial ballot, only one person may be selected on each ballot.

- d. After the initial ballot, the number of votes required for selection will decline with each ballot to 15, then 14, then finally 13.

revised 2/27/95

Regent Candidate Advisory Council

Statement of Diversity

The recommendations of the Regent Candidate Advisory Council to the Legislature for positions on the Board of Regents shall reflect diversity in terms of geography, gender, race, occupation, and experience.

Regent Candidate Advisory Council Evaluation Report Brief

QED

Diane L. Morehouse

During its 1988 session, the Minnesota Legislature created the 24-member Regent Candidate Advisory Council (RCAC). The Council's purpose is to identify and nominate qualified citizens to serve on the University of Minnesota Board of Regents. The statute directs the RCAC to:

- develop criteria for the selection of Regents;
- develop a description of Regent duties and responsibilities;
- identify and recruit qualified candidates, and recommend at least two, and not more than four, candidates for each position to be filled by the Legislature.

During the six-years since its inception, the RCAC has conducted four rounds of recruitment and screening of candidates to fill open positions on the Board of Regents. The Council has reviewed over 400 applications, interviewed approximately 200 persons, and forwarded the names of 54 individuals for Legislative consideration. In each round, the Legislature has honored the process by making its selection from among the candidates recommended by RCAC.

In 1994, the Council elected to conduct a self-evaluation to assess the impact of its work to date, including its overall strengths and weaknesses. QED was retained to consult with the Council's evaluation committee, gather data from key informants, and assist the members in considering the

findings and their implications in a two-day retreat.

METHODS

Methods included extended informational interviews with evaluation committee members, approximately 50 personal and telephone interviews with RCAC members, former members, Legislators and Legislative staff, current and former members of the Board of Regents and University administrators. A mailed questionnaire to a generalizable sample of RCAC applicants was also incorporated.

This report brief is, as its title suggests, an abbreviated presentation of a considerable amount of detailed information considered in the RCAC's self-evaluation.

PERCEIVED STRENGTHS OF THE RCAC

Giving the Regent Selection Process Credibility and Openness

The RCAC's work was praised by Legislators, members of the Board of Regents and University administrators who believe that the Council has made the process of selecting Regents more open, credible, understandable, and less politicized than previously. Key observers also believe that the RCAC has opened service on the Board of Regents to those who "traditionally have had difficulty asserting themselves in a purely political process." Most believe the RCAC's recruitment efforts have been largely

successful in encouraging qualified individuals who might not otherwise have done so to submit themselves as candidates for the Board of Regents.

Socializing and Maturing Regents

Observers also believe the RCAC has had an important "socializing" effect, making candidates aware of the importance of the Board of Regents, the appropriate role of a Regent and the need to subsume one's personal loyalties and affiliations in loyalty to the University of Minnesota. The "socializing" nature of the Council's efforts has contributed to what some called "an accelerated maturation" on the part of Regents.

Members' Dedication to the Task

Finally, key informants described as a significant strength the wisdom, vision and extraordinary dedication of RCAC members. One informant described the members as individuals who make "an almost missionary effort to do a good job."

WEAKNESSES OF THE RCAC

Observers of the Regent selection process also identified certain flaws in it, as well as some issues for RCAC members to consider.

Questions about Results

Most observers believe that the Council's processes have been reasonably effective, and its nominees for the most part well-qualified. However, some believe that the Council's criteria and deliberations may not have yielded the most qualified slate of candidates, and others cannot attest that the RCAC's nominees are "any better or any worse (than those traditionally selected)."

Internal and External Manipulation

Some members and other observers worry that the RCAC's deliberations may be susceptible to the personal agendas of members or to external political pressures to forward certain types of nominees, particularly members of protected classes. Several outside observers expressed the view that the RCAC's criteria yield mainly candidates who are acceptable to the Legislature, who are "politically powerful insiders," or who fit within a "traditional paradigm" of qualifications, such as corporate board service.

Potential Infringement of Regent or Legislative Authority

Many informants, including RCAC members, suggested that the Council has raised issues and engaged itself in matters not clearly within its statutory purview, such as publicly discussing the establishment of ethical standards and evaluation methods for the Board of Regents or offering advice on such matters as the size of the Board. Observers worry this is an infringement of Constitutional or other authority, and could detract from the RCAC's ability to perform its primary mission.

SUMMARY OF ISSUES CONSIDERED BY MEMBERS

In preliminary interviews with evaluation committee members, several issues were identified that have affected the Council's work and invited some dissension among members. Each was addressed in our interviews, and explored in the members' retreat. Each issue and its disposition is briefly described below.

Clarifying the RCAC's Mission

The question of how narrow or broad is the RCAC's mission, and what tasks the members can appropriately take on has, for some time, affected the Council's work. Members of the RCAC have interpreted their mission in two ways. One view held that the RCAC was convened to address serious University of Minnesota governance issues, and therefore such activities as the evaluation of seated Regents, recommendations about the size and structure of the Board of Regents and Legislative selection of Regents were within the Council's scope of responsibilities. The second view held that the RCAC's mission, clearly defined in statute, limits it to the development of criteria and the nomination of candidates for Legislative consideration.

With nearly unanimous input from former members, Regents, Legislators and other key observers, RCAC members have agreed that theirs is a relatively circumscribed mission - to screen and nominate Regent candidates. Matters of University governance, structural evaluation of Regent performance or Legislative decision-making do not fall within that mission, and should not receive further formal consideration.

Members did agree, however, that communication between the RCAC chair, the Board of Regents chair and the Legislative leadership could be enhanced and improved.

Reviewing Criteria for Regent Selection

RCAC members reviewed a number of opinions from stakeholders and observers at all levels about what constitutes qualification to serve on the Board of Regents. Although there are not widely divergent views, Legislators, Regents and some organizational representatives attach considerable importance to such things as vision, breadth

of background, dedication and character, while current and former RCAC members attach somewhat greater importance to policy or significant board experience and to functional expertise.

Members agreed to review and possibly revise their statement of qualifications based on this input. Members also reaffirmed their strong commitment to achieving diversity on the Board of Regents, and acknowledged that there is no essential dichotomy between the goals of achieving diversity and insuring quality.

Reconsidering the RCAC's Processes

With few exceptions, members, former candidates and key observers believe this is an appropriate time for the RCAC to seriously review its recruitment methods, application form, procedures for screening candidates and its interview and voting processes. There is particularly broad sentiment for scrutinizing recruitment methods since, as one informant put it, "It's easier to focus on getting the right people at the beginning, than weeding out the wrong people at the end." Each of these processes is judged lacking or flawed by some, and current members agreed that all should be reviewed and potentially modified prior to the next round of candidate recruitment.

Member Communication

Members discussed the concerns some expressed about a "diminished intensity of feeling" for the Council's work. They also considered similar comments about the need to build a sense of team. All agreed that the two-day retreat had served as a useful forum for airing issues, for building relationships, and fostering free and open communication. Members agreed to continue that open dialogue.

REGENT CANDIDATE ADVISORY COUNCIL

Exhibit 15

85 State Office Building

Saint Paul, Minnesota 55155

(612) 296-1121

October 10, 1994

MEMORANDUM

TO: University of Minnesota Advisory Board Members
FROM: Thomas S. Renier, Chair, Regent Candidate Advisory Council
RE: Openings on the University of Minnesota Board of Regents

As chair of the Regent Candidate Advisory Council (RCAC), I am writing to ask you to join a statewide effort to identify and help recruit the best possible candidates for openings on the University of Minnesota Board of Regents. The legislature created the RCAC in 1988 to identify, recruit, and recommend to the legislature qualified candidates for the University of Minnesota Board of Regents. Since its inception, the legislature has always chosen Regents from the slate of candidates screened and selected by the RCAC.

The 24 members of the RCAC are beginning the process of identifying and recruiting candidates to fill four Regent positions up for election by the legislature in May of 1995. The terms of four Regents, three at-large positions, including the student Regent, and one representing the 5th congressional district will expire in early 1995. All four incumbents are eligible for re-election to the board. It is through the efforts of people like you that the RCAC can identify the best possible candidates to the legislature.

The University of Minnesota has an immense impact on public well-being in our state. The purpose of the RCAC's broadly based, intense effort at Regent candidate recruitment is to ensure that 12 diverse, skilled, committed, experienced individuals set the course for this major public institution. You may know of dedicated people who are qualified to fill these most important leadership positions and who fulfill the attached criteria for Regent candidates.

Again, we ask for your help in nominating candidates for each of the open positions. Please share information about the recruitment effort. I've included some background information about the RCAC's process.

If you have people you wish to nominate, please call me or the RCAC staff at 612/296-1121.

Thank you for your time and consideration.

**Finalists for the University of Minnesota
Board of Regents
January, 1995**

At-large (2 seats)

Linda Gross Cohen

Stanely A. Edin

Kent Gernander

Vernae L. Hasbargen

Mary F. Ives

Warren C. Larson

D. Kenneth Lingren

David Lund

Richard McNamara

Mary Page

Patricia Spence

Emily Anne Staples

Bilone W. Young

Fifth District

Rondi Charlotte Erickson

Jean B. Keffeler

Elizabeth A. Mathews

Andrew H. Seitel

James Todd Swenson

Michael M. Vekich

At-large (student)

Timothy Allison

Cheryl A. Jorgensen

Thomas Kleven

Jessica Phillips

Chad Reichwald

Cecil Smith

SUGGESTED QUESTIONS FOR CANDIDATES
Revised, February 1995

1. Why do you want to be a Regent?
Why do you think you should be a Regent?
Can you handle the time requirement?
2. Because very few can fulfill all the criteria for University Regents completely, which criteria do you best exemplify and which are the most difficult for you to fulfill?
3. How would you characterize your previous governing body experiences?
What are some of these experiences?
4. Describe your understanding of the mission of the University?
Is there anything you would change and how would you do it?
5. The University of Minnesota is Minnesota's Land Grant institution.
Can you explain what that means to you?
Do you see any tension between the University's desire to be broadly inclusive and a major research University?
If so, how should it be resolved?
6. Conflict of interest issues arise from time to time on the Board. Sometimes these issues are real, other times perceived.
How would you handle a conflict of interest issue that involved you?
How would you handle a conflict of interest issue involving one of your colleagues on the Board?
7. Academic Freedom is a traditional value held by the University. As a Regent, how would you explain Academic Freedom to your constituents?
8. The University has gone on record as an institution that values diversity.
Share with us your general ideas about diversity.
Share with us a couple of examples from your own background to illustrate your commitment to achieving greater diversity in an organization.
9. What are your personal views on the subject of Affirmative Action?
Share with us any experiences in regard to Affirmative Action.
10. Tell us about your view of the appropriate Board role as a policy maker.
How do you distinguish that role from the administration's role as management?
11. Describe how you would handle situations where you think other Regents are involving themselves excessively in the day to day operation of the University.
12. The University serves many constituents. On occasion, a constituency group may call on a Regent to support their particular position on an issue.
How would you advise this situation be handled?

Senate Counsel & Research

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(612) 296-4791
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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

January 31, 1995

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To: Mary E. Ryan, Legislative Coordinating Commission

From: Peter S. Wattson, Senate Counsel *PSW*
296-3812

Subj: Residency Requirements For Student Regents

You have asked me whether there is a requirement that a student regent be a resident of the state of Minnesota. The answer is no.

The University's Charter, Laws 1851, chapter 3, sections 4 to 6, provides that the regents are elected by the Legislature but does not impose any residency requirement. Minnesota Statutes, section 137.024, requires that at least one member of the board of regents be a resident of each congressional district, but there is no requirement that the members elected to represent the state at large be a resident of this state. Likewise, while Minnesota Statutes, section 137.023, requires that one member of the board of regents be "a student who is enrolled in a degree program at the university" there is no requirement that the student be a resident of the state.

You have also asked whether it is permissible to ask a regent candidate about his or her citizenship. The answer is yes.

As you will recall from my memorandum to you of April 5, 1994, the requirements of the Minnesota Human Rights Act and the United States Civil Rights Act of 1964 do not govern the activities of the council in recommending regent candidates. However, they have served as guidelines for the council to determine what kinds of questions are not appropriate for it to ask. They both prohibit discrimination in employment on the basis of "national origin." 42 U.S.C.A., § 2000e-2 (1991, Supp. 1993); Minn. Stat. § 363.03, subd. 1 (1994). Thus, it would be inappropriate to ask a regent candidate what country the candidate or the candidate's ancestors came from. On the other hand, the "national origin" prohibition does not prohibit an employer from discriminating against a person on the basis of citizenship. *Espinoza v. Farah Mfg. Co., Inc.*, 414 U.S. 86 (1973). It would be permissible for a private employer to insist that

Mary E. Ryan, Legislative Coordinating Commission
January 31, 1995
Page 2

employees be citizens of the United States, but it could not discriminate among citizens based on the country that they or their ancestors had come from.

As I said in response to your first question, however, Minnesota law does not require that regents be citizens of the United States or even residents of the state. So, questioning a candidate about the candidate's citizenship may be permissible but not relevant. More relevant would be a question about whether the candidate will reside near enough to Minneapolis to be able to attend meetings of the board of regents during the candidate's term of office.

If you have any other questions, feel free to contact me.

PSW:tf
Enclosures

November 30, 1990

If a position on the Board of Regents becomes vacant and the Legislature is not in session, the Governor has a duty to appoint a replacement. The Governor may ask for assistance from the Regent Candidate Advisory Council (RCAC) to fill such a vacancy. In this event, the RCAC would need approximately four weeks to complete its recruitment, interviewing and recommendation process.

Week One:

Announcement of the opening to the public including the timetable:

Printed announcement in the state register.

Press release - possibly in conjunction with a press conference. Request help from legislators to aid with local media.

Notify all of our networks - possibly using the press release.

Notify the Legislature

Legislative leadership and the Chairs of the Education Committees should be the first to be informed of the Governor's decision to use the RCAC.

All current legislators, and if after an election, all legislators elect, should be notified of the vacancy.

Even though this appointment must be made by the Governor, it is important to keep the Legislature apprised of the RCAC's activities. If the district caucuses or the Chairs of the Education Committees want to be involved in the process, the RCAC should discuss this aspect with the governor in order to come to a mutually satisfactory agreement.

Public Meetings

If the vacancy is from a congressional district, and if possible, schedule 2 town meetings in the district and make a concerted effort to contact local people and to get publicity. In the event of an at-large vacancy, if time permits, increase the number of town meetings.

Page 2

WEEK 2

Hold public meetings.
Completed applications mailed to RCAC members as they are received so that members may begin their review.

WEEK 3

RCAC votes for finalists to interview.
Candidates are notified and interviews scheduled.

WEEK 4

Candidates are interviewed.
RCAC votes on final recommendations which are forwarded to the Governor

rcacgov