On the cover: University of Minnesota Crookston’s Golden Eagle statue.
MISSION STATEMENT
OF THE
OFFICE OF THE GENERAL COUNSEL

• To safeguard the constitutional authority of the Board of Regents and those who act on its behalf to govern the University effectively.

• To represent the University in adversarial forums zealously and in accordance with the highest standards of integrity and ethics.

• To protect the University’s legal interests in all transactions, thereby protecting the investment of the citizens of Minnesota in the University.

• To provide preventive legal services and counsel to University officials so that all the institution’s activities comply with applicable laws and University policies.

• To protect the principles of due process in the University’s treatment of faculty, staff, students and all other members of the University community.
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IX. Our People
2015-2016 was another year of successful performance by the professionals in the Office of the General Counsel (OGC) and a year of significant changes in office personnel. OGC continued its winning ways in litigation and claims asserted against the University. It prevailed in virtually all of the cases it handled and continued a five-year litigation success rate of over 90 percent. As noted in the report, this was highlighted by two wins in the Minnesota Court of Appeals and a settlement of a multi-million-dollar commercial claim against the University of Texas MD Anderson Center.

We laid the groundwork this year for the commencement of two major pieces of litigation. After months of investigation and research by OGC and outside counsel, the Board of Regents Litigation Review Committee authorized the University to bring two patent infringement law suits. In these cases, OGC will be asserting and protecting the University’s rights in intellectual property that had been developed by two of its professors. We will be seeking compensation from companies that we believe have used the intellectual property without the University’s permission and in violation of its rights.

On the transactional side of the office, OGC was successful in providing advice, counsel and representation in a wide variety of contractual matters. As noted in the report, these include:

- Advice and counsel in the MHealth Integration with Fairview.
- Agreement to purchase the Murphy Warehouse.
- Agreement to host Minnesota Wild Hockey Game at TCF Bank Stadium.
- Agreement to establish the Harris Lab – Center for Mutation Research.

There were key personnel changes this year in OGC. Governor Mark Dayton appointed Deputy General Counsel Tracy M. Smith to the Minnesota Court of Appeals. Tracy is a twenty-year veteran of OGC. She oversaw litigation and advised on student affairs and data practices questions. We are proud of her appointment to this prestigious judgeship, just as we are proud of the appointment of former OGC litigators Lorie Gildea to the Minnesota Supreme Court and Jennifer Frisch to Ramsey County District Court.

Five veteran OGC professionals retired this year. Each had served the University with distinction for many years. They are the following:

1. **Mark A. Bohnhorst.** Mark was a litigator who turned himself into a transactional lawyer and became one of the leading experts in the country on the application to colleges and universities of federal import/export laws. He served as counsel for the Sponsored Projects Administration and was responsible for advising on research agreements.

2. **Gary L. Brisbin.** Gary was a transactional lawyer. He processed and advised on an immense number of contracts each month ranging from athletics agreements to the licensing of software. He was both a high quality and high quantity transactional lawyer. He was instrumental in keeping moral high in OGC. He was often referred to as “The Mayor”.

3. **William P. Donohue.** Bill retired from the University after 33 years, serving the last three as General Counsel. He was a litigator for the University, trying virtually all forms of cases and providing leadership to the office and its efforts.

4. **Bev Moe.** Bev was a real estate and commercial paralegal. Among other areas, she was responsible for the alcohol licensing program at the University.

5. **Mary Ford.** Mary was a litigation paralegal at the OGC who served for 12 years and provided support for all lawyers who tried cases on behalf of the University.

Each made OGC an engaged, highly successful law office. Each will be missed.

Happily, OGC attracted new talent. Carrie Ryan Gallia is one of the new attorneys. She had been a litigator at Lindquist & Vennum. Dan Herber, another new hire, had been a litigator at Faegre Baker Daniels. Angela Downin is the third new attorney. She had been a transactional lawyer at the Center for Diagnostic Imaging. Diana Lutz-
Clark was hired as a litigation paralegal, coming to OGC from private practice. These people will enhance OGC’s services to the Board of Regents and to the University.

OGC also manages some compliance functions. OGC, under the leadership of Susan McKinney, is responsible for Records and Information Management (RIM). This office accepts and responds to public records requests made to the University. As indicated in the report, RIM handled 662 data practices requests this year and conducted numerous training sessions, including a training session with the Board of Regents. To improve its operations and speed up the processing of requests, RIM implemented new software to track requests this year. Kristine Haugsland was hired as the Assistant Director in the Records and Information Management office of OGC. She has previous work experience at the Cargill Corporation.

OGC oversees the Office of Athletic Compliance. It had a strong year under the new leadership of Director Jeremiah Carter. As noted in the report, the office hosted over 70 educational sessions, conducted over 13 audits and submitted 32 investigative reports to the NCAA and Big Ten Conference. In addition to replacing some personnel who left for other positions, the office has also hired Kevin Gomer in a new position as a Compliance Coordinator to oversee all audits and monitoring for all sports. Kevin is a law graduate with experience in compliance.

Finally, OGC assumed responsibility this year for the University’s compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). This federal law requires the University to report crimes that occur on or around our campuses. OGC hired Daniel Alberts to serve as the University’s Clery Act Coordinator. Daniel had served in a similar positon at Minnesota State Colleges and Universities. We will submit our first report on behalf of the University to the federal government this fall.

We look forward to serving you again this coming year.
LITIGATION ACTIVITY

The University’s success remained high in contested matters in federal and state courts, in arbitrations and grievances, and before administrative agencies. In completed matters that were not settled, the University won 44 and lost 2. Over the past five years, in the 211 cases that were not settled, the University won 195, lost 13, and achieved mixed results in 3, for a 92% success rate.

While most of our litigation involves defending the University and its employees against claims, OGC also brings claims on behalf of the University to protect its rights and interests. Since 1997, OGC has obtained litigation recoveries for the University totaling over $600 million. Most of this sum was derived from recoveries for patent infringement suits, from federal tax recoveries, and recoveries on securities, contracts, environmental, and trust and estate claims.

With few exceptions where special expertise or additional resources are required, OGC attorneys and paralegals represented the University in litigation, rather than outside counsel. OGC handled cases across a wide spectrum, including labor and employment matters, personal injury, statutory and constitutional issues, and student discrimination claims. Our legal team is one of the few university legal offices in the country with the capacity and skill to handle substantial litigation matters in-house, resulting in cost-effective and high-quality litigation services with very favorable results.

SIGNIFICANT COURT CASES

Given its size, extraordinary diversity of activities, and large employment base, the University is regularly subject to claims and litigation, despite continued efforts by OGC and our clients to promote best practices, mitigate risk, and prevent disputes. This year OGC directly represented the University in a variety of cases against it in state and federal district courts. Importantly, OGC not only defended the University in court cases this year, it also affirmatively pursued the University’s interests in litigation.

PROTECTING THE UNIVERSITY’S INTERESTS IN PATENTED DISCOVERIES.

The most significant court cases this year were the four patent infringement lawsuits brought by the University against Verizon, AT&T, Sprint and T-Mobile in federal district court in Minnesota. OGC is working with the national law firm of Fish & Richardson to represent the University in these large and complex cases. The cases assert infringement of University patents that

92% Litigation Success Rate (FY12 - FY16)

*Includes all contested cases not settled during the past five years. Litigation success rate of 92% calculated by total cases won divided by total cases not settled. Ninety cases settled during this period, most on terms very favorable to the University.
cover wireless communications innovations developed by University Professor Georgios Giannakis and his co-inventors to improve network reliability and speed. The innovations are important aspects of the 4G LTE service that all four companies use and promote to their millions of customers nationwide. The lawsuits seek a fair royalty for the use of technology developed by University inventors through University research. The cases were filed in November 2014, and in the last year, the University defeated motions to dismiss brought by the carriers and has proceeded with what has been and will continue to be extensive discovery. The University continues to prosecute these cases—and others like them—to protect the University’s and its faculty’s intellectual property.

**Defending the University Against Employment Claims.** As we reported last year, OGC represented the University as well as a professor and administrators in three federal and state court cases brought against them by a former employee. The plaintiff, a former civil service scientist, claimed violation of copyright against her former supervisor—a University cancer researcher—arising out of the work generated in the faculty member’s lab. She also asserted numerous claims against the faculty member and other administrators who participated in managing the plaintiff’s employment and complaints. Through vigorous motion practice, OGC achieved dismissal of most of the claims last year, and this year obtained dismissal of the remainder of the case.

This year OGC defended the University against race, religion and national origin discrimination claims filed in Ramsey County District Court brought by a former tenured faculty member in the College of Liberal Arts who was terminated in 2012 for gross misconduct. The University prevailed in its summary judgment motion, resulting in dismissal of the case, persuading the district court that the undisputed material facts established that the allegations of discrimination were without merit. Plaintiff appealed to the Minnesota Court of Appeals where the case is now pending.

OGC defended a lawsuit brought by a former faculty member on the Duluth campus who had been denied tenure. She sued the University and the union that represents campus faculty members in Hennepin County District Court, alleging race and national origin discrimination. The University prevailed when the district court dismissed her complaint on the motions of the University and the union.

Last year we reported that OGC was defending the Medical School in a disability and national origin discrimination lawsuit brought in Hennepin County District Court by a former medical school student. In June of last year, OGC obtained summary judgment for the University on all of the plaintiff’s claims. This year the student appealed to the Minnesota Court of Appeals; the OGC was successful in its argument that the dismissal of the case should be affirmed. This was a victory, in part, for continued judicial deference to the academic judgment of the University.

In another case decided by the Minnesota Court of Appeals, a physician had a joint clinical appointment with University of Minnesota Physicians (UMP) and an academic appointment with the University in the Medical School on the Twin Cities campus. UMP terminated the clinical appointment. In response, the University terminated the academic appointment. The former faculty member grieved the non-renewal of the academic appointment. The University Provost ultimately affirmed the non-renewal. OGC obtained a favorable decision from the Court of Appeals on appeal. It upheld the Provost’s decision, finding that it was supported by the record and had not violated any University policy.

These are just a sample of the employment claims handled by OGC this year. OGC has represented the University in court cases brought by former employees.
in state and federal court asserting whistleblower, Fair Labor Standards Act, discrimination, due process violations and other claims. The cases can arise out of any of our campuses, and OGC provides representation and support to administrators across the system in responding to these challenges.

PROTECTING OUR FACULTY RESEARCHERS. University researchers are at times targeted for attacks by social interest groups via social media campaigns, oppressive records requests, or other means. OGC works to protect the University’s researchers when these situations arise. Last year, OGC obtained a harassment restraining order on behalf of two Medical School faculty members who use animals in their research on hearing loss and the reduction and prevention of drug abuse who were targeted by protesters with illegal picketing at their home. The protesters challenged the issuance of the harassment restraining order and this year there was a day-long evidentiary hearing concerning the order. The Court decided in favor of our faculty members and upheld the order to keep the protestors a safe and reasonable distance from the researchers’ home. The pickets have since stopped.

PURSUEING THE UNIVERSITY’S INTERESTS IN BANKRUPTCIES. OGC protects the University’s interests in bankruptcy cases, asserting proofs of claim to recover the University’s fair share of proceeds and opposing debt discharges where appropriate.

LABOR ARBITRATIONS, ADMINISTRATIVE HEARINGS AND ADMINISTRATIVE AGENCY CHARGES

OGC attorneys represented the University in 32 labor grievances this year. Twelve have been resolved; 20 grievances are pending. Of the resolved matters, ten did not go to arbitration. Three were settled and the union withdrew the other seven. Two were arbitrated, with the University prevailing in one. In one of the arbitrations, OGC protected a practice of the University of Minnesota Police Department, having the arbitrator accept the terms of a Memorandum of Understanding between the department and a union on the depositing of unearned vacation and compensatory time by police officers into a Health Care Savings Plan. OGC represented the University in 44 civil rights agency charges this year. Fourteen resulted in a favorable finding and three were settled. OGC did not lose in an agency administrative proceeding this year.

OGC coordinated and oversaw the University’s responses to three complaints filed with the U.S. Department of Education’s Office for Civil Rights (OCR), alleging the University had violated federal Title IX of the Education Amendments of 1972. Title IX bars discrimination on the basis of sex in any federally funded education program or activity. In each instance, OCR conducted a program-wide review of the University’s sexual violence, gender discrimination policies or of the University’s intercollegiate athletic facilities. The first arose from allegations that a volunteer assistant coach had sexually assaulted a student athlete on the Women’s Gymnastics Team on the Twin Cities campus. The second dealt with criticisms of the condition of the outdoor track facilities on the Twin Cities campus. The third related to gender discrimination complainants made by three former coaches on the Duluth campus.

In other matters initiated by governmental units at federal and state levels, OGC successfully represented two University respondents in separate proceedings brought against them by the Minnesota Board of Psychology and effectively responded on behalf of the University to a Congressional inquiry alleging retaliation against a research misconduct complainant. OGC also participated extensively in the University’s response to a Congressional inquiry related to controversial research at the University and assisted faculty and the University Institutional Review Board (IRB) in responding to three separate FDA inspections.

INTERNAL UNIVERSITY PROCEEDINGS AND INVESTIGATIONS

OGC represents and provides counsel to University officials involved in internal forums for investigating and adjudicating employee and student disputes. OGC’s experience and expertise in the procedures governing these internal forums promotes timely and high-quality case presentation and decision making, serving the interests of employees, students, the institution, and the community.

OGC played a central role this year in three, high-profile internal investigations of misconduct by University employees. OGC worked closely with outside experts and the University’s Office of Internal Audit to consider allegations regarding a former Athletic Director. OGC coordinated the University’s response to allegations regarding a former Chief Information Officer. OGC also led an investigation of allegations regarding drug involvement by intercollegiate athletes.

OGC provided extensive assistance and counsel in several research non-compliance investigations and research misconduct proceedings conducted by units of the Office of the Vice President for Research pursuant to University policy and federal regulations. University administrators and committees responsible for these complex and often high-stakes and intensely disputed proceedings depend heavily on OGC to assist them through the process.
OGC advises units, hearing panels and appellate decision makers in employment disputes in internal forums. OGC lawyers represent administrators in grievance hearings in the Office for Conflict Resolution in those instances in which the employee was represented by counsel, and separate counsel advises the Provost as the final decision maker in those cases.

With respect to student issues, OGC provided representation and advice to student behavior committees and administrators on multiple campuses. OGC assisted with a number of sexual assault cases, and also provided representation and advice to scholastic standing committees and administrators involved in student academic complaints, as well as advice to the Provost regarding student appeals engaging outside, independent counsel where conflicts of interest may have been present.

Final decisions by University administrators in the University’s internal proceedings are subject to direct appellate review by the Minnesota Court of Appeals. These cases can raise difficult procedural and substantive legal issues, and legal counsel by OGC helps assure that the decisions accord with the law and withstand judicial review.

**Settlements**

OGC recommends the University settle claims brought by or against it if settlement is in the best interest of the institution. Settlement may be the preferred resolution of a claim if the facts or law suggest the University will be exposed to a significant risk of loss.

This year OGC settled a royalty dispute with the University of Texas MD Anderson Medical Center. The University had granted the Center a royalty bearing license to the University’s patent rights in technology used to treat cancer. The two institutions differed on the amount owed to the University under an agreement. In resolution of the claim, the Center transferred to University of Minnesota equity stock valued at nearly $30 million.

OGC settled 16 legal claims this year involving payments by the University of $2,000 or more. The total paid by the University in settlements was $738,623. The settlements resolved employment, discrimination, medical malpractice and personal injury claims, with individual payments ranging from $3,360 to a high of $100,000. Of the $738,623 in total settlements, $362,000 was paid by insurance and the remainder by various University units.

**Transactional Activity**

OGC advises University faculty, staff and students and colleges, departments and units on commercial transactions. We provide counsel on intellectual property, real estate, construction, purchases, sales, liability, and corporate and securities laws and rules. We help craft University policies, procedures and practices intended to protect the University’s property, to advance the University’s interests, and in some instances, streamline its operations.

In our 2015 Annual Report, we described OGC’s multi-year project to identify and modify or eliminate ineffectual contracting policies and practices. We continued that work in 2016.

We were instrumental in the promulgation of the Entering into Contracts administration policy (which is posted at http://policy.umn.edu/operations/contracts). It implemented the Board of Regents Policy: Legal Review of Contracts and Transactions. We expect the administrative policy will simplify and speed up the review, negotiation and execution of agreements with the University. The policy describes how and when University departments and units should seek advice from and the approval of OGC before entering into an agreement. It categorically exempts certain types of agreements from OGC review.

We will be looking in coming years to expand the list of standardized forms and exempt agreements.

We continued our efforts to look closely at our practices and to work with departments and units to simplify contractual language and the review and approval process. We want to identify types of agreements that do not benefit in all instances from particularized legal involvement and review. We have worked with External/Internal Sales Office to streamline its contract review and approval process. In 2017, we plan to join with the Office for Technology Commercialization in a project to update the University’s standard intellectual property licensing documents. We also plan to review the approval
process for small dollar purchase agreements that do not require the Purchasing Department’s approval.

**Noteworthy Deals**

This year OGC provided very high quality legal services in several complex transactions.

**Integration of MHealth.** In a well-publicized series of transactions starting in July 2015, OGC, with the assistance of Friedemann Foarde, a Minneapolis-based law firm, advised the Board of Regents and the University administration in negotiations to integrate University of Minnesota Physicians (UMP) with Fairview Health System (Fairview). Upon consummation of the deal, the integrated entity would be governed by a board appointed 50/50 by Fairview and the University. The parties approved a Letter of Intent (LOI) in October 2015. Extensive negotiations continued, with internal workgroups assembled, and outside consultants and facilitators engaged. The parties and their counsel, including OGC, prepared draft definitive agreements. OGC also was involved in the branding and trademark negotiations. After and despite protracted negotiations, the Board of Regents and the Board of UMP terminated the LOI in June 2016. We expect the work done to integrate MHealth will be invaluable as the University and UMP continue to work with Fairview to operate under their current arrangement and to look to amend it in response to the competitive Twin Cities health care market.

**Agreement to Purchase the Murphy Warehouse.** OGC represented the University in a complex commercial and gift, purchase and leaseback transaction. The University, in late 2015, acquired land and a commercial building on 21.76 acres in Minneapolis, at the corner of 701-24th Avenue SE and 2222 Elm Street SE (north of the East Bank campus, near the Childhood Development Center). The deal was valued for tax purposes at $20.28 million. The University paid $17.95 million. The balance of the purchase price was treated as a charitable contribution. After purchasing the improved real property, the University leased a substantial portion of the building back to the seller under a long-term lease.

**Agreement to Establish the Harris Lab - Center for Mutation Research.** OGC represented the University in the creation of the Harris Lab and its collaboration with and funding from the Howard Hughes Medical Institute (HHMI). Professor Reuben Harris will continue his research here on the physiological and pathological functions of DNA-mutating enzymes known as “APOBEC”. He is seeking to determine the role the enzymes play in boosting the effectiveness of immune responses and the growth of cancer cells. The University and HHMI have entered into a novel employment, space and intellectual property rights sharing arrangement.

**Agreement to Host Minnesota Wild Hockey Game.** The National Hockey League came to the Twin Cities campus. The Minnesota Wild played the Chicago Black Hawks in an outdoor game, on February 21, 2016, at TCF Bank Stadium in Minneapolis. OGC negotiated facility use and other agreements with the NHL and the Minnesota Wild. The Wild won the game!

**Academic Health Center Practice**

Virtually every student of the Health Sciences must complete some length of experiential training at a clinical site away from the University in order to complete their degree program. The most recognized example is the completion of a medical residency, but similar requirements extend to all clinical training programs. In order to accomplish this training, it is necessary to enter into Educational Affiliation Agreements with clinical sites suitable to the dozens of clinical programs in the Academic Health Center (AHC), as well as multiple

With OGC’s help, professional hockey was played at the TCF Bank Stadium.

OGC represented the University in the purchase of commercial real estate.
training programs outside the AHC with social service and clinical care components. OGC prepares, reviews and negotiates these agreements. Currently, just in the AHC, there are more than 1600 currently active, and pending, agreements. Forty-five of these agreements are Master Agreements covering many clinical training sites in broad entity, such as Allina or HealthPartners, and including multiple training programs. Ninety-one of the agreements are international agreements, with sites outside of the United States. The majority of the remainder are in Minnesota, but also include sites across the United States.

CONSTRUCTION AND REAL ESTATE PRACTICE

OGC’s real estate practice group advises the central Real Estate Office on purchases and sales of land and buildings, the taking and granting of easement rights to use real property, and lease agreements. OGC works with University departments and units in leasing space. OGC counsels Capital Planning and Project Management (CPPM) on construction law and project agreements. For example, we represented the University in the $1.45 million purchase of land and commercial grain elevator structures and buildings on the land at 600 25th Avenue SE and 649 26th Avenue SE in Minneapolis. We also spent significant time on a joint venture to develop University-owned land for a multiple facility, senior housing project in the Twin Cities and on the sale of a portion of land at UMore Park in Rosemount, Minnesota.

TECHNOLOGY COMMERCIALIZATION AND INTELLECTUAL PROPERTY LAW PRACTICE

OGC’s intellectual property group advises Sponsored Projects Administration (SPA). OGC reviews, negotiates and drafts complex sponsored research agreements. In 2016, we were involved in over 225 discrete sponsored project transactions.

OGC counsels the Office for Technology Commercialization (OTC) in technology commercialization agreements and patent and copyright-related laws. In 2016, we represented the University in 17 exclusive licensing deals with start-up companies. We also reviewed the terms of over 145 agreements, providing advice on new exclusive patent license agreements, amendments to current agreements, non-disclosure agreements, material transfer agreements, Minnesota Innovation Partnership (MN-IP) license and research agreements.

The University made its first investment under the Board of Regents-approved Discovery Capital Program this year. To spur commercial development of University-owned intellectual property rights, this program permits the University to invest up to $350,000 in a University start-up. OGC represented the University in three investments in 2016.

OGC provides patent, copyright, and trademark law advice. In 2016, we represented the University in two patent ownership disputes. In each, a company claimed ownership of patent rights in an invention OGC proved had been created by University faculty and was owned by the University. We represented the University in a copyright ownership dispute as well. We advised University departments and units on the desirability of seeking registration of trademarks and the enforcing of existing trademark rights. We filed five trademark applications in 2016 and prevailed against infringers of SweeTango™ and Small Campus. Big Degree™ marks. We advised on two book publishing and one film rights deal.

FINANCIAL, GIFT AND TAX PRACTICE

OGC works closely with the Chief Financial Officer (CFO), the Director of Debt Management, and the Office of Investments and Banking (OIB) to enter into agreements to issue debt and to invest in securities. In August 2015 we were involved in the issuance of Series 2015A Special Purpose Stadium Refunding Bonds and the Series 2015B and 2016A General Obligation Bonds. OGC also represented OIB in investing 13 equity funds.
We represented the University last year in the purchase of a $25 million equity interest in Baupost Value Partners, L.P. – IV, a private equity fund.

OGC advised the CFO on compliance with recently issued Program Integrity and Improvement regulations by the federal Department of Education’s Office of Postsecondary Education. The regulations govern the University’s cash management practices and affect the terms of the University’s U Card agreement with TCF Bank.

OGC worked with the Office of Institutional Compliance and the University of Minnesota Foundation on a policy that would govern the raising of gifts through crowdsourcing. OGC advised the University of Minnesota Libraries on several gifts of donor’s papers, including a major gift of manuscripts and other works from noted children’s book writer and illustrator Kate and Jim McMullan.

OGC coordinates with the Tax Management Office. This year, we advised on the federal limitations on the taxation of fringe benefits and on the “private use” of University- and state-issued tax-exempt bonds.

**International Programs Practice**

OGC advises the Global Programs & Strategy Alliance (GPSA) and its units on the legal risks and implications of programs conducted outside of the United States. OGC regularly represents GPSA in affiliation agreements with foreign institutions. In 2016, we worked to strengthen the University’s presence in China and France. We advised on steps the University should take to use Minnesota Global, Incorporated, its representative office in Beijing, to change the University’s employment practices in China. Working with local counsel, we also reviewed recommendations to modify the University’s activities in France.

**Legal Advice and Preventive Law Activities**

OGC devotes substantial time and resources to advising University clients on matters of law and policy, as well as preventing or resolving disputes before they result in costly litigation.

OGC provides legal advice on a regular basis in multiple areas, including student affairs, employment law, data privacy and open records, disability and other equal opportunity issues, and copyright and trademark, among others.

OGC plays a role in the development and revision of University policies, and provides compliance related advice to the University’s human and animal research subjects’ programs, conflict of interest committees, the Office of Institutional Compliance and other University regulatory bodies. In particular, the OGC has worked closely with the IRB in revising University policies and procedures to advance human research protections for vulnerable research participants. We also answer questions from faculty and students on compliance with federal laws and regulations concerning academic research.

OGC’s advice and preventive law activities across a broad spectrum helps the University run more effectively, comply with federal and state mandates, and reduces the opportunity for grievances, administrative charges and lawsuits.

In more formal preventive law activities, OGC conducted training and led sessions with University units or groups of clients on the following topics and advised on the development of the following policies:

- The Struggling Trainee: Remediation, Disability and Accommodations.
- Students Facing Criminal Charges or Conviction.
- Malpractice Issues for Residents.
- Paid versus Unpaid Internships.
- Fitness for Duty Evaluations.
- Board of Regents presentation on the Minnesota Data Practices Act and the University data retention and public inspection policies and practices.
- Board of Regents presentation on the Minnesota Open Meeting Law.
- Administrative Policy on Copyright Ownership.
- Administrative Policy on Entering into Contracts.

**Athletic Compliance Office**

The Athletic Compliance Office (ACO) works with the University’s 25 intercollegiate athletic teams and over 750 student-athletes to ensure compliance with the rules and regulations of the National Collegiate Athletic Association (NCAA), the Big Ten Conference, and the Western Collegiate Hockey Association (WCHA). ACO trains coaches and student-athletes, develops compliance policies and practices, investigates and reports allegations of violations, and enforces applicable rules and policies. ACO works closely with the McNamara Academic Center, Office of Admissions, Office of Financial Aid, and Academic Support Resources on the Twin Cities campus.
ACO conducted over 70 general educational sessions this year, with close to 2500 attendees. In the first two weeks of fall semester, ACO met with student-athletes and players in each intercollegiate athletic team to review NCAA rules.

With the support of the Athletic Director on the Twin Cities campus and his senior staff, ACO conducted over 13 external and internal audits and monitoring procedures this year.

ACO investigated 45 potential rule infractions this year. Each was considered a level III or IV NCAA infraction. It ultimately submitted reports of 32 violations to the NCAA and Big Ten Conference. It sought 26 waivers of NCAA or Big Ten rules.

The Gopher Women’s Hockey team won the 2016 NCAA championship.

RECORDS AND INFORMATION MANAGEMENT OFFICE

The Records and Information Management Office coordinates the development and implementation of a strategic plan for departmental and University-wide records management; provides advice, training and direction on federal, state and institutional records management requirements; and oversees the collection, use and dissemination of data in accordance with the Minnesota Government Data Practices Act and other state and federal information disclosure laws.

This year the office responded to 662 public record requests for information about University contracts, bids, budgets, salaries, athletics, research, construction, purchasing records, audits, personnel, investigations, law enforcement and other matters. The Records and Information Management Office works closely with OGC to ensure compliance with legal obligations, with University administrators to gather records and coordinate our responses, and with University News Service to provide efficient service to media outlets. The Records and Information Management Office is responsible not only for the Twin Cities campus, but also works with each of the system campuses.

The University implemented a public records request portal in April 2016. The University of Minnesota Data Request Center allows users to send data requests to the University and automatically sends a receipt and updates back to the requester. Requests are logged into the portal by the requester, and responses are then uploaded to the portal when completed. The system tracks all data requests, sets and manages response deadlines, and allows for emails between the requester and the University.

The office continues to work with University units to develop tailored records retention schedules and help clear out files and storage areas while appropriately maintaining institutional records. Updates to the University-wide records retention schedule were also completed.

The Director of the Records and Information Management Office, Susan McKinney, CRM, co-chairs the University’s privacy committee, which addresses increasing public concern about privacy protection for electronic and traditional paper-based data; serves as the compliance partner for privacy; and is a member of the Enterprise Data Management and Reporting (EDMR) committee. She is also the Responsible Authority under the Minnesota Government Data Practices Act.

CLERY COMPLIANCE OFFICE

The federal Clery Act mandates colleges and universities receiving federal financial aid publicize information about crimes occurring in and around their campuses. For the University, OGC is responsible for interpreting and complying with the law. In November 2015, OGC hired Daniel Alberts as the University’s Clery Compliance Coordinator. He is responsible for reporting on the Twin Cities campus. He works closely with stakeholders.
at each campus to assist their reporting activities. As one of his first acts, he undertook a comprehensive and accurate classification of all property owned or controlled by the University. This information is being used to establish a geographical framework for crime reporting. He also has identified and is training individuals on each campus who are “campus security authorities” under the law and who, therefore, have statutory obligations to report crime to the University.

**USE OF OUTSIDE COUNSEL**

The total sum paid from OGC’s budget to outside counsel for FY16 was $3,538,499. This amount constitutes an increase from FY15 spending which is primarily due to additional costs related to two large patent enforcement cases, the negotiations with Fairview on the integration of health services, union organizing, and an external review of the Athletics Department. Total outside counsel legal expenditures incurred by the University during this fiscal year were $6,971,338, a majority of which was related to insurance defense and patent and technology commercialization matters. This amount constitutes an increase from FY15 overall expenditures.

Board of Regents policy requires OGC to carefully manage the cost of all outside counsel retained to provide legal services to the University. While professional qualifications are the foremost criteria we use to select outside counsel, OGC also seeks attorneys who provide reasonable rates and demonstrate economical use of attorney and staff resources. We routinely request and receive discounted hourly rates from our outside counsel. OGC typically requires written budgets from outside counsel on matters that may incur substantial fees, and strictly enforces the University’s expense limitations and payment policies. This includes the management of counsel performing patent services for the University. A considerable amount of time is devoted to the selection and oversight of a wide variety of patent counsel who provide patent prosecution services to the OTC.

The use of in-house counsel is far more economical for the University, as costs per hour for comparable legal services performed in-house are at least 50% less than those of outside counsel. In addition, and beyond the issue of cost, the quality of legal services the University receives is enhanced by OGC’s comprehensive knowledge of the University’s unique structure, operations, strategic priorities, and mission. This reduces costly preparation time that would be needed by outside counsel less familiar with the University and provides more focused counseling tailored to the unique issues facing particular University clients. Routine feedback from our clients suggests that OGC provides high quality legal services on a level at least equal to that provided by leading private firms.
OUR PEOPLE

LEGAL STAFF

GREGORY C. BROWN, DIRECTOR OF TRANSACTIONAL LAW. Greg joined OGC in 1991. In addition to his management duties, he advises University departments and units on technology transfer, copyright, intellectual property, and business matters. Prior to coming to the University, he practiced at the law firm of Stinson, Leonard, Street. Greg graduated from the University of Michigan Ross School of Business and its Law School. He is an Adjunct Professor at the University of Minnesota Law School and has taught a seminar on Intellectual Property Transactions.

BRIAN J. SLOVUT, DIRECTOR OF LITIGATION. Brian joined OGC in 2003 and practices primarily in the area of litigation. Before joining OGC, he was a partner in the law firm of Hinshaw & Culbertson in Minneapolis, and an associate with Popham Haik. He received his law degree magna cum laude from the University of Minnesota Law School in 1993, where he served as an Associate Editor of the Minnesota Law Review and was a member of the Order of the Coif. Brian also served as a law clerk on the Minnesota Supreme Court.

DONALD M. AMUNDSON, SENIOR ASSOCIATE GENERAL COUNSEL. Don joined OGC in 1996. He is a member of the Transactional Law Services Group, and focuses his work on international and general business matters, as well as external sales issues. Prior to joining OGC, Don practiced law at Dorsey & Whitney and worked as in-house counsel for several corporations. Don graduated with a baccalaureate degree summa cum laude from St. Olaf College and received his law degree cum laude from the University of Minnesota in 1980.

BRENT P. BENRUD, SENIOR ASSOCIATE GENERAL COUNSEL. Brent joined OGC in 2005. He practices in the areas of labor, employment and litigation. Before joining OGC, Brent was a shareholder in the law firm of Stettner, Miller and Cohn, P.C., in Denver, Colorado. He represented public school districts, community colleges and school-related professional organizations in a variety of labor, employment, litigation and school law matters. Brent received his B.A. magna cum laude in 1989 from Luther College, in Decorah, Iowa and his J.D. cum laude from the University of Minnesota Law School in 1992.

SHELLEY CARTHEN WATSON, SENIOR ASSOCIATE GENERAL COUNSEL. Shelley joined OGC in 1999. Her practice is primarily devoted to providing advice, counsel, and training in labor relations and employment issues, as well as defense of the University in collective bargaining and internal grievance arbitrations, and administrative matters before the EEOC, Minnesota Department of Human Rights and Department of Labor. Prior to coming to the University, Shelley was a partner with the law firm of Robins, Kaplan, Miller & Ciresi, where her practice focused on business litigation and employment counseling and litigation. The former Deputy Commissioner of the Minnesota Department of Human Rights, Shelley also served as Executive Director of the Hennepin County Bar Association and Hennepin County Bar Foundation. An honors graduate of Macalester College, she received her law degree from Northwestern University School of Law in 1985. Shelley is a former member of the Board of Directors of the National Association of College and University Attorneys (NACUA), and is a past recipient of their First Decade Award that recognizes university attorneys who have been NACUA members for 10 or fewer years and have made “a significantly innovative contribution, or provided outstanding service, to the association and to the practice.”

ANGELA K. DOWNIN, ASSISTANT GENERAL COUNSEL. Angela joined OGC in 2016. She is a member of the Transactional Law Services Group and focuses her work on the purchasing of goods and services, as well as the licensing of software. Prior to joining OGC, Angela was an in-house attorney for a number of corporations and, before that, an attorney at Gray, Plant, Mooty in Minneapolis. She graduated with her bachelor’s degree from the University of Michigan in 1999, and received her J.D. from the University of Wisconsin Law School in 2009.

KEITH A. DUNDER, ACADEMIC HEALTH CENTER COUNSEL. Keith has served as Academic Health Center Counsel, and formerly the University’s Hospital Counsel, since 1990, and practices in the areas of health care law and tort
litigation. He is a former member of the Governing Council of the Health Law Section of the Minnesota State Bar Association and former co-chair of the Medical-Legal Committee of the Hennepin County Bar Association. Keith graduated cum laude from the University of Minnesota Law School in 1978. He served as an associate and partner at Mahoney, Doherty & Mahoney, and as a partner at Rossini & Dunder, where he concentrated in litigation and health care law.

**Arnie H. Frishman, Senior Associate General Counsel.** Arnie joined OGC in 1998. He is a member of the Transactional Law Services Group whose primary areas of practice involve sponsored research and technology transfer. Prior to coming to OGC, he was an associate with the law firm of Dorsey & Whitney. He is a summa cum laude graduate of the University of the South at Sewanee, and received his law degree from Columbia University School of Law in 1992, and a master’s in Education from Harvard University in 1988. During his sabbatical in Israel in 2007, Arnie practiced with the law firm of Pearl, Cohen, Zedek, Latzer in the field of patent licensing and software development and was admitted to the Israel Bar.

**Daniel J. Herber, Associate General Counsel.** Dan joined OGC in 2016. He litigates cases and advises on data practices matters. Dan previously worked as a litigator and regulatory lawyer at Faegre Baker Daniels LLP and as a judicial law clerk to the Hon. Susan Richard Nelson, U.S. District Court for the District of Minnesota and the Hon. Kermit Edward Bye, U.S. Court of Appeals for the Eighth Circuit. Dan’s educational achievements include a B.A. from the University of Wisconsin-La Crosse, a M.U.R.P. from the Humphrey School of Public Affairs, and a J.D. from the University of Minnesota Law School, where he served as Lead Article Editor of the Minnesota Law Review. He has served as a volunteer board or committee member of more than a dozen nonprofit and governmental entities, and the Minnesota State Bar Association has recognized him annually (2012-2015) as a North Star Lawyer for providing pro bono services to low-income persons.

**Rosalie W. O’Brien, Senior Associate General Counsel.** Rosalie joined OGC’s Transactional Law Services Group in 2004. Her practice includes financing, investment, tax, and regulatory matters, trademark protection and infringement prosecution and defense; complex business transactions; the gifting process; and supporting University Libraries and Museums and University Extension. Before coming to the University, she was a partner practicing corporate law in the St. Louis office of Sonnenschein Nath & Rosenthal (now Dentons). Rosalie also practiced law with firms in Chicago, Illinois and Richmond, Virginia, and is a certified public accountant. She earned her B.S. in accounting from the University of Illinois, with college honors and high distinction in accounting, and her J.D. in 1987 from Northwestern University School of Law, where she was a member of the Law Review. Before embarking on her legal and accounting career, Rosalie was a violinist in the Milwaukee Symphony Orchestra.

**Daniel A. Piper, Senior Associate General Counsel.** Dan joined OGC in December 2011. He practices in the areas of real estate and construction law. Prior to joining OGC, Dan was an attorney at Fredrikson & Byron, P.A. in Minneapolis. He received his B.A. summa cum laude from Saint Olaf College in 1999 and his M.B.A. from Carlson School of Management in 2003. In 2006, Dan received his J.D. magna cum laude from the University of Minnesota Law School, where he served as a Managing Editor of the Minnesota Law Review and was a member of the Order of the Coif. Dan also served as a law clerk to Chief Justice Lorie S. Gildea on the Minnesota Supreme Court.

**Timothy J. Pramas, Senior Associate General Counsel.** Tim is a skilled and seasoned civil trial attorney who possessed over 20 years of experience, both at law firms and in-house, at the time he joined the OGC in 2014. His practice is devoted primarily to litigation. Since 2010 Tim has served as a Legal Writing and Moot Court Instructor at the University of Minnesota Law School. He is also an active member of the Minnesota E-Discovery Working Group and co-chair of its Sub-Group on Cost-Effective Review Technologies. The Minnesota Supreme Court appointed Tim to its Civil Justice Reform Task Force and its Advisory Committee on the Rules of Civil Appellate Procedure. Tim graduated with honors from Macalester College where he won many intercollegiate debate tournaments as a member of Macalester’s debate team. He graduated with honors from the University of Minnesota Law School in 1993 and was a member of the Minnesota Law Review.
CARRIE RYAN GALLIA, ASSISTANT GENERAL COUNSEL. Carrie joined OGC in 2016, and she practices in litigation. Prior to joining OGC, Carrie was an attorney at Lindquist & Vennum and, before that, at Fish & Richardson, both in Minneapolis. She graduated magna cum laude from Princeton University with a degree in English Literature and earned an M.F.A. in dramaturgy from the Columbia University School of the Arts. In 2008, Carrie received her J.D. summa cum laude from the University of Minnesota Law School, where she served as a Managing Editor of the Minnesota Law Review, was a member of the Order of the Coif, and won the William B. Lockhart Award for Excellence in Scholarship, Leadership, and Service. After law school, Carrie served as a law clerk to Judge Carlos T. Bea on the U.S. Court of Appeals for the Ninth Circuit.

PAUL B. SÄVEREIDE, SENIOR ASSOCIATE GENERAL COUNSEL. Paul joined the OGC in 2012. He is a member of the Transactional Law Services Group and practices in the area of intellectual property, predominantly patent matters. Prior to joining OGC, Paul practiced patent law for over 20 years. He served as in-house counsel at Chiron Corporation and Cargill, Inc., and was in private practice at Dorsey & Whitney; Patterson, Thuente, Skaar & Christensen; and Viksnins Harris & Padys PLLP. Paul graduated from Saint Olaf College with a Bachelor of Arts degree. In 1991 he received both a Ph.D. in Cell and Developmental Biology and his J.D., cum laude, from the University of Minnesota.

BARBARA L. SHIELS, SENIOR ASSOCIATE GENERAL COUNSEL. Barbara has served in OGC since 1983, including past service in the University Hospital Counsel’s Office from 1994 to 1997. Her practice focuses on health sciences research, including human and animal subject regulations, conflict of interest, research misconduct, and student issues. Barbara is a past member of the board of directors of the National Association of College and University Attorneys (NACUA) and regularly serves as a program planner, speaker, moderator and discussion group leader for NACUA conferences. She is a summa cum laude graduate of Gustavus Adolphus College and received her law degree cum laude from the University of Minnesota in 1983.

ELIZABETH C. ZAMZOW, SENIOR ASSOCIATE GENERAL COUNSEL. Beth joined OGC in September 2010. She practices in the areas of real estate and construction law. Prior to joining OGC, Beth was an attorney at Fredrikson & Byron, P.A. in Minneapolis. She received her B.A. summa cum laude from St. Cloud State University in 1990 and her M.A. magna cum laude from Miami University in Oxford, Ohio in 1993. She served as a Note and Comment/Research Editor of the Minnesota Law Review at the University of Minnesota Law School, where she received her J.D. magna cum laude in 2001. Beth is certified as a Real Property Specialist by the Minnesota State Bar Association and has been selected as a Rising Star by Minnesota Law & Politics.

ATHLETIC COMPLIANCE OFFICE

JEREMIAH CARTER, DIRECTOR. In October of 2015, Jeremiah was appointed as the Director of Athletic Compliance. Jeremiah started his employment with the Athletic Compliance Office in October 2013, coming from the National Collegiate Athletic Association (NCAA) where he worked in various positions within Academic and Membership Affairs since September 2007. Previous to that he was a graduate assistant in the University of Minnesota football program. Jeremiah is a former Gopher football student-athlete where he received his Bachelor of Arts degree and a Masters of Education graduate degree.

ASHLEY HEDGES, ASSOCIATE DIRECTOR. Ashley joined the Athletic Compliance Office in February 2016, coming from The Ohio State University where she served as the Assistant Director of Compliance since July 2012. She received her undergraduate degree from the University of Wisconsin, Madison in Life Sciences Communication, where she was a four-year letter winner and Student-Athlete Advisory Committee representative for the Women’s Soccer team. She later received her Masters of Education in Adult and Higher Education from the University of Oklahoma.

JAMES PRASKA, ASSOCIATE DIRECTOR. Jim joined the Athletic Compliance Office in October 2001. Previously, he worked as the Student Accounts Manager at the College of St. Catherine and, prior to that, worked in Student
Accounts at Hamline University, both in St. Paul. He had interned in the Athletic Compliance Office from 1997-1999. He graduated with a bachelor’s degree from Wartburg College in Waverly, Iowa and received his master’s degree in Public Administration from Hamline University. Jim’s primary duties involve all aspects of coordinating and processing athletic scholarships for the Intercollegiate Athletics Department.

**Rhett Caviel, Assistant Director.** Rhett Caviel was hired as the new Assistant Director of Athletic Compliance in August 2016. Rhett will handle all compliance office matters for the sports of Softball, Rowing, Women’s & Men’s Gymnastics, Women’s & Men’s Tennis, and Women’s & Men’s Swimming and Diving. Prior to the U, Rhett worked in compliance at Southern Methodist University, mainly working with Bylaws 13, 16, and 17. Before that, Rhett was an Academic Advisor at Missouri State University. Rhett began his compliance career at the University of Missouri – Kansas City, working as the compliance graduate assistant. Rhett is an active member of the National Association of Athletic Compliance (NAAC) and Minority Opportunities Athletic Administration (MOAA). Rhett received his masters degree in Higher Education Administration with a focus in sport and exercise science from UMKC. Rhett was a member of the University of Missouri football team while completing his undergraduate degree in Civil Engineering.

**Andrew Nelson, Assistant Director.** Andrew became a member of the Athletic Compliance Office in October 2011, coming from the University of Colorado where he was an intern in the Compliance Office. He has also held a compliance intern position at Iowa State University. He received his bachelor’s degree in Political Science at the University of Iowa and his J.D. from the University of Denver Sturm College of Law.

**Kevin Gomer, Coordinator.** Kevin Gomer was hired in the summer of 2016 as the Athletic Compliance Coordinator at the University of Minnesota and is responsible for monitoring all 25 sports and assisting with the daily compliance operations. Prior to working at the University of Minnesota, Gomer interned at the American Athletic Conference during the 2015-16 academic year. At the American Athletics Conference, Gomer managed the National Letter of Intent Program, assisted with NCAA rules interpretations and created rules education materials. Gomer also assisted with conference championships for Men’s Basketball, Women’s Basketball and Indoor Track and Field. Gomer received his Juris Doctorate from Marquette University Law School in May 2015. During his time at Marquette, Gomer was a compliance intern in Marquette’s Athletic Department, a member of the Marquette Sports Law Review, the Treasurer for the Marquette Sports Law Society and the Chair of the Sports Law Intramural Negotiation Competition. He received the Sports Law Certificate from the National Sports Law Institute. He also received a B.S. in Marketing from Illinois State University in December of 2011.

**Clery Act Compliance Office**

**Daniel Alberts, Clery Act Coordinator.** Daniel Alberts joined OGC in 2015 as the Clery Compliance Coordinator, a new position at the University of Minnesota. In addition to ensuring compliance with the Clery Act on the Twin Cities campus, Daniel also assists the system campuses with Clery Compliance. Prior to his work at the University of Minnesota, Daniel served as the Supervisor of Public Safety at Minneapolis Community and Technical College, overseeing MCTC’s Clery Compliance for 6 years. Daniel also served as a resource for Clery Compliance for the Minnesota State Colleges and Universities system and was awarded the Chancellor’s Award in 2015 for his system-wide work in Clery Compliance efforts. Daniel received his B.A. in History from the University of Minnesota in 2007 and graduated Magna Cum Laude from Metropolitan State University in 2015 with a M.S. in Criminal Justice.
RECORDS AND INFORMATION MANAGEMENT OFFICE

SUSAN MCKINNEY, DIRECTOR. Susan has been the Director of Records and Information Management since 1995. She previously served for ten years as the Director of Records Management at the University of Florida. Susan received her M.A. in History with an archival, museum and editing studies concentration from Duquesne University in 1982, and Certification in Records Management in 1993. Coordinator McKinney has served as President and Chair of the Board of ARMA International, a professional association of over 11,000, and is currently the newsletter editor for the Twin Cities ARMA Chapter. She also serves as host of the records management listserv, and is an internationally known speaker on records management issues.

KRISTINE HAUGSLAND, ASSISTANT DIRECTOR. Kristine joined the OGC office in August of 2016 as an Assistant Records Manager. Prior to joining the OGC Kristine worked an Associate Records Analyst for the Cargill Law Department for six years. While with the Cargill Law Department, she worked with department records coordinators in the numerous global locations to ensure compliance with corporate policies by providing training on records and information management practices and analysis of the inventories for the locations. Mapping changes to the Corporate Retention Schedule and determining the impact to the department’s files was another task entrusted to her. She also worked as a contractor for the Department of Homeland Security as a Human Resources Administrative Specialist where she was in the pre-employment staffing unit for Customs & Border Protection Officers. Kristine earned her B.A. degree from Augsburg College in 2007.

PARALEGALS
Robert Amos, Senior Paralegal
Elizabeth Anderson, Senior Paralegal
Kathy Bitterly, Senior Paralegal
Diane Krawczynski, Senior Paralegal
Diana Lutz-Clark, Senior Paralegal
Sherry Popowski, Senior Paralegal

ADMINISTRATIVE STAFF
Karen Wagner, Director of Administration
Nancy Larson, Executive Assistant to the General Counsel
Tara Atkisson, Executive Secretary
Lynnette Johnson, Executive Secretary
Nola Breen, Legal Administrative Assistant
Terry Hindt, Legal Administrative Assistant
Marcy Hoyles, Legal Administrative Assistant
Jean Schatz, Legal Administrative Assistant
Sarah Shaftman, Legal Administrative Assistant
Jacklyn Weitzel, Receptionist