

AGENDA ITEM: Update Relating to Recent Developments in the Strategic Name Initiative

BACKGROUND:

Chronology of Key Events Relating to Strategic Name Initiative

- After several years of informal conversation about the College’s name and whether it exemplifies Metro State’s current offerings and mission;
- The Board of Trustees took formal action on February 3, 2010 by passing a resolution which called for an assessment of the College’s name to determine its contribution to the College’s vision, loyalty, brand and image;
- In February 2010, Metro State contracted with Sector Brands to conduct the name assessment;
- On March 5, 2010 at the Tri-Board Retreat, the name assessment was discussed as a key priority and Sector Brands was available to receive input regarding the depth and breadth of the forthcoming assessment;
- On June 2, 2010 at the Board of Trustees meeting, Sector Brands presented the key findings of the name assessment and the Board scheduled the name assessment as a topic of discussion at the Board’s upcoming retreat on October 8-9, 2010;
- On October 8, 2010 at the Board Retreat, the Board discussed the name assessment with Sector Brands presenting an update;
- On February 2, 2011 at the Board of Trustees meeting, the Board received an update from President Jordan regarding the name assessment, the administration’s plans for surveys, focus groups and presentations in the upcoming weeks, and an FAQ regarding the Strategic Name Initiative;
- From February 9, 2011 to February 28, 2011, the College conducted an electronic survey to enable interested individuals to weigh in on whether they thought the College’s name should be changed and to which name out of four choices—nearly 9000 people responded;
- During the same time period, an additional 300 individuals were contacted through a series of Town Hall presentations, focus groups, and one on one interviews;
- On February 11, 2011, President Jordan sent a letter to all higher education presidents in the state of Colorado, including Chancellor Coombe of the University of Denver, laying out Metro State’s ongoing process and intentions regarding a potential name change and stating specifically the four names to be tested; *See attachment A*
- Subsequently, President Jordan and General Counsel Martinez initiated contact and spoke with DU’s Chancellor and DU’s General Counsel respectively regarding the potential name change and were told that DU had less concerns with “Denver State University” than “Metropolitan State University of Denver.” DU was also informed of the upcoming March 9, 2011 special board meeting, the names that were under consideration, and their ability to access the board meeting live via web stream;
- On March 9, 2011, the Board of Trustees approved changing the College’s name to “Denver State University” and charged the President with pursuing legislative authorization. As part of their deliberations, the Board considered DU’s concerns and the fact that it favored the name “Denver State University” over “Metropolitan State University of Denver;”

- General Counsel Martinez contacted DU’s General Counsel immediately after the special board meeting to inform him of the Board’s action. President Jordan subsequently initiated contact and spoke with the Chancellor and Christine Staberg initiated contact and spoke with DU’s lobbyist Toni Larsen to discuss the Board’s action;
- On March 28, 2011, Metro State received a letter from DU’s outside counsel Faegre & Benson stating concerns with the name “Denver State University and attaching their federal trademark registrations, including the registration of “University of Denver” which indicates “no claim is made to the exclusive right to use “university”, apart from the mark as shown.” *See attachment B*
- On that same date, Metro State also learned that DU had contacted Senator Johnson, the bill sponsor, asking him to pull the bill authorizing the name change;
- On March 29, 2011 President Jordan initiated contact and spoke with Chancellor Coombe to discuss DU’s position and potential compromises, including the possibility of a modified name choice. When asked by Chancellor Coombe what other name choices might be considered by the Board, President Jordan suggested “Denver Metropolitan State University” and indicated he had no authority to speak for the Board as whether such name was acceptable;
- Chair Cohen initiated contact and spoke with DU Board Chair Trygve Myhren during this same time period. Senator Johnston, outside trademark counsel for Metro State and others were also contacted by Metro State subsequent to DU’s request to Senator Johnston to pull the name change bill;
- At its regular Board meeting on 4/6/11, the Board held executive session, in part to discuss legal issues pertaining to the name change;
- On 4/11/11, a meeting was held at Metro State’s request on the DU campus which included President Jordan, Chancellor Coombe, Chairs Cohen and Myhren, Trustees Lucero and Bookhardt and DU Trustees Hamill and Shopneck as well as General Counsel from each institution;
- At this meeting, Metro State listened and responded to DU’s concerns and reiterated its offer, among other potential agreements to be determined later, to form a working group with DU to collaborate on branding and marketing as the name change moved forward to ensure that confusion, if any, between the two institutions could be minimized;
- At the meeting, DU Board member Hamill asked Metro State to delay action for 60 to 90 days to allow the University to study the issue. Members of the Board of Trustees expressed the College’s commitment to pursuing the name change during this legislative cycle but also indicated that they would communicate the request to the Board at such time as the Board met;
- On the same date, President Jordan received a letter from Chancellor Coombe dated 4/4/11 which among other things states that “... DU would not have objections to the proposed name of Denver Metropolitan State University;” *See attachment C*
- President Jordan initiated communication and spoke with the Chancellor subsequent to receiving the letter.
- On 4/12/2011, President Jordan, Chair Cohen and Christine Staberg met with Senator Johnston to discuss the name change legislation and enlist his assistance in mediating a resolution with DU that addressed both Metro State’s desire to implement a name change and DU’s concerns;

- On 4/15/11, President Jordan received information that DU had hired the Brownstein law firm to work against passage of the name change bill;
- President Jordan initiated communication and spoke with the Chancellor subsequent to receiving this information;
- On 4/15/11, Metro State received an open records request from DU's outside law firm for records pertaining to the name change; *See attachment D*
- On 4/18/11, President Jordan initiated communication twice and spoke with Chancellor Coombe twice.
- On 4/18/11, Chancellor Coombe sent a letter to all Colorado legislators concerning their position on Metro State's name change; *See attachment E*
- On the same date, DU Board Chair Myhren sent a letter to members of the Metropolitan State College of Denver Board of Trustees stating DU's version of the chronology of events and its position on Metro State's name change; *See attachment F*
- On 4/19/11, DU Chair Myhren sent another letter to members of the Metropolitan State College of Denver Board of Trustees containing additional objections to Metro State's name change; *See attachment G*
- Based upon the direction of the Board at its special board meeting on March 9, 2011 to seek legislative approval for the name change, Metro State staff, students and alumni have implemented an outreach and advocacy campaign in favor of passage of the name change legislation that is ongoing;
- Introduction of the name change legislation and related hearings are currently scheduled for the week of April 25th.

RECOMMENDATION:

****Board members who wish review history and research relating to the name assessment and name change are encourage to visit: *More than Words: Metro State's Strategic Name Initiative* at <http://www.mscd.edu/namechange/>**



February 11, 2011

Dear Colleagues:

I thought it would be helpful to provide you with the facts, research, and details regarding Metro State's Strategic Name Initiative. First and foremost, this effort is in no way intended to infringe upon the various roles and missions of Colorado's other fine public or private institutions. In fact, we genuinely believe it will serve to benefit Colorado's entire higher education community—and, most importantly, our students. Additionally, this initiative demonstrates Metro State's strong commitment to its role and mission. The Board of Trustees believes that any name that serves to elevate and clarify the position of the College would raise quality expectations as well as the retention and graduation rates of our students, and, given scarce state resources, help the institution attract more private resources and alumni support.

One year ago, the Board of Trustees passed a resolution to conduct a thorough name assessment. The results of that intensive three-month assessment showed broad support from all constituents for a change in our name to better reflect the institution's mission, role, and 45-year evolution. The research showed that some 15 percent of regional employers *who already have some connection to the College* still view the institution as a community college and 80 percent feel the name does not reflect quality. Members of my leadership team, faculty members, and students often recount having to explain who we are to those (many long-time Denver residents) that associate the term "College" with two-year institutions.

This kind of misperception is detrimental to our students, who deserve the same value in their bachelor's degree as others have and clarity from employers about their credentials. The research findings also confirmed that an alternate name construct would be consistent with the practices of our sister WICHE states, as well as nationally, for like institutions (size, regionally-focused, comprehensive degree offerings).

After careful consideration of the risks and rewards of exploring a possible change, our Trustees decided to move forward on the initiative, citing four main benefits that could accrue from a new name:

- Support the College's mission and strategic planning initiatives;
- Help the institution attract more private resources and maximize opportunities for growth;
- Increase the value and understanding of our degree in the minds of employers and other stakeholders; and
- Benefit Colorado's entire higher education community: Raising the quality image of Metro State would further reinforce Colorado's public postsecondary education system as being nationally competitive in offering high-quality, accessible education regardless of geographic location and socioeconomic station.

Another factor that is driving this process is Metro State’s recent addition of three master’s programs, which was a recommendation of the College’s Hispanic Serving Institution Task Force. As I have stated publicly, we are committed to the three initial programs achieving success as revenue centers before we will even begin considering additional master’s in other disciplines; *there are no other programs waiting in the wings*. Those we requested and were granted permission to offer during the 2009 legislative session are tied directly to our role and mission and the changing nature of workforce needs and requirements for the students and employers we serve.

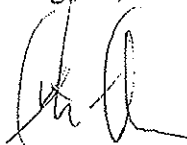
We have selected four names for testing, including our current name, out of a pool of ten. Those names are:

- Metropolitan State University of Denver
- University of Central Colorado
- Denver State University
- Metropolitan State College of Denver

Every effort is being made to communicate with our constituents and the broader community about this initiative in a completely transparent manner. Starting today, and through the month of February, we are giving anyone who has an opinion the opportunity to vote on the four names in order of preference at our website: www.mscd.edu/namechange, where they can read the full findings of the assessment and other pertinent information. In March, the Trustees will review a compilation of the input from the survey and our other outreach efforts, after which they will make their decision. Of course, if the Trustees support a new name, we will pursue legislative approval.

It is my hope that this letter serves to better explain our intentions and primary goal to best serve our students (past, present, and future), and I welcome any questions you may have.

Kind regards,



Stephen M. Jordan, Ph.D.
President

cc: Joe Garcia, Lieutenant Governor and Executive Director of the Department of Higher Education
Matt Gianneschi, Deputy Director, Department of Higher Education



B

NATALIE HANLON-LEH
NHanlon-Leh@faegre.com
(303) 607-3639

March 28, 2011

**VIA E-MAIL
and UPS OVERNIGHT DELIVERY**

Loretta Martinez, Esq. (lpmartin@mscd.edu)
Office of the General Counsel
Metropolitan State College of Denver
1006 11th Street, #315
Denver, CO 80204

Re: Metropolitan State College of Denver Proposed Name Change

Dear Ms. Martinez:

This firm represents Colorado Seminary which owns and operates the University of Denver (the "University of Denver"). We write to you regarding Metropolitan State College of Denver's (the "Metropolitan State College") proposal to change the College's name to Denver State University.

Since at least the 1880's, the University of Denver has provided higher education services and collegiate entertainment services, such as athletic events and music concerts, to college students and the community under the names University of Denver, which is also referred to as Denver University and DU. The University of Denver is a highly selective, private institution that *U.S. News & World Report* consistently ranks as one of the top 100 colleges in the country.

Colorado Seminary is the owner of federal trademark registrations for UNIVERSITY OF DENVER, D and DU and common law rights in other marks including Denver University (the "DU Marks")¹. The University of Denver advertises its services on its website at <http://www.du.edu/> and also sells various goods, such as clothing, athletic goods and toys bearing the DU Marks. As a result, Colorado Seminary has acquired substantial intellectual property

¹ Colorado Seminary is the owner of the following valid and subsisting trademark registrations: 2,384,807 for the mark UNIVERSITY OF DENVER; 2,510,882 for the mark D; and 2,463,186 for the mark DU. Copies of these registration certificates are attached for your reference.

March 28 2011

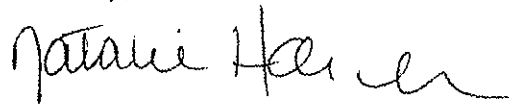
Page 2

rights in the DU Marks. The DU Marks symbolize the reputation, quality and hard-earned, valuable goodwill Colorado Seminary has acquired over the past 120 years.

As you move forward with changing the name of Metropolitan State College, we hope that you will consider the possibility that prospective students will be confused by adoption of the name Denver State University and the acronym DSU for Metropolitan State College. The name Denver State University merely juxtaposes elements of the UNIVERSITY OF DENVER mark and includes the word "State." Moreover, the University is often referred to among its faculty, staff, alumni, students and others as "DENVER UNIVERSITY." A copy of results from a news article search confirming this is included for your reference. Adopting and using the name Denver State University and the acronym "DSU" would appear to defeat Metropolitan State College's intent of better identifying and distinguishing itself and its mission among the different higher education institutions in Colorado.

Colorado Seminary takes its intellectual property rights very seriously, and we trust that you will do likewise and give this matter your prompt consideration. If you would like to discuss this further or have any questions, please give me a call.

Sincerely,



Natalie Hanlon-Leh

cc: Robert D. Coombe, Ph.D.
Stephen M. Jordan, Ph.D.
Robert Cohen
Paul H. Chan, Esq.

Encs.

fb.us.6550964.01

Int. Cls.: 6, 16, 21, 25 and 41

Prior U.S. Cls.: 2, 5, 12, 13, 14, 22, 23, 25, 29,
30, 33, 37, 38, 39, 40, 50, 100, 101 and 107

Reg. No. 2,384,807

United States Patent and Trademark Office

Registered Sep. 12, 2000

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

UNIVERSITY OF DENVER

COLORADO SEMINARY (COLORADO NONPROFIT CORPORATION)
2199 S. UNIVERSITY BLVD.
DENVER, CO 80208

FOR: METAL LICENSE PLATE FRAMES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).
FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.
FOR: PAPER GOODS AND PRINTED MATTER, NAMELY, GREETING CARDS, NOTEBOOKS, DECALS, STICKERS, BUSINESS CARD HOLDERS, BINDERS AND PAD HOLDERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.
FOR: BEVERAGE GLASSWARE, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.
FOR: CLOTHING, NAMELY, BASEBALL CAPS, SWEATERS, SWEATSHIRTS, T-SHIRTS, JACKETS,

POLO SHIRTS, LONG SLEEVE T-SHIRTS AND SHORTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.
FOR: EDUCATION SERVICES IN THE NATURE OF COURSES AT THE UNIVERSITY LEVEL; AND ENTERTAINMENT IN THE NATURE OF PRESENTING COLLEGIATE ATHLETIC EVENTS AND MUSIC CONCERTS, PLAYS AND CULTURAL EVENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1880; IN COMMERCE 0-0-1880.
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 75-599,997, FILED 12-4-1998.

GINA HAYES, EXAMINING ATTORNEY

Int. Cls.: 16, 21, and 25

Prior U.S. Cls.: 2, 5, 13, 22, 23, 29, 30, 33, 37, 38, 39,
40, and 50

Reg. No. 2,510,882

Registered Nov. 20, 2001

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**



COLORADO SEMINARY (COLORADO NON-
PROFIT CORPORATION)
2199 S. UNIVERSITY BLVD.
DENVER, CO 80208

FOR: PAPER GOODS AND PRINTED MATTER,
NAMELY, PAPER WEIGHTS, DESK SETS, LETTER
OPENERS, BOOKENDS, BUSINESS CARD HOLD-
ERS, PENCIL HOLDERS, MEMO PADS, STATION-
ERY, PEN AND BOX SETS, DECALS, PENS,
PENCILS, PORTFOLIOS, AND PAD HOLDERS, IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 9-0-2000; IN COMMERCE 9-0-2000.

FOR: BEVERAGE GLASSWARE, IN CLASS 21
(U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-0-2000; IN COMMERCE 9-0-2000.

FOR: CLOTHING, NAMELY, BASEBALL CAPS,
SWEATERS, SWEATSHIRTS, T-SHIRTS, LONG-
SLEEVE T-SHIRTS AND POLO SHIRTS, IN CLASS
25 (U.S. CLS. 22 AND 39).

FIRST USE 9-0-2000; IN COMMERCE 9-0-2000.

THE MARK CONSISTS OF THE STYLIZED LET-
TER "D".

SN 75-600,128, FILED 12-4-1998.

GINA HAYES, EXAMINING ATTORNEY

Int. Cls.: 16, 21, 25 and 28

**Prior U.S. Cls.: 2, 5, 13, 22, 23, 29, 30, 33, 37, 38, 39, 40
and 50**

Reg. No. 2,463,186
Registered June 26, 2001

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**

DU

**COLORADO SEMINARY (COLORADO NON-
PROFIT CORPORATION)
2199 S. UNIVERSITY BLVD.
DENVER, CO 80208**

**FOR: PAPER GOODS AND PRINTED MATTER,
NAMESLY, DECALS, CHECKBOOK COVERS, ID
HOLDERS, GREETING CARDS, NOTEBOOKS
AND BINDERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,
29, 37, 38 AND 50).**

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

**FOR: BEVERAGE GLASSWARE, IN CLASS 21
(U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).**

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

**FOR: CLOTHING, NAMESLY, SOCKS, MITTENS,
BASEBALL CAPS, SWEATERS, SWEATSHIRTS, T-**

**SHIRTS, JACKETS, SWEAT PANTS, LONG SLEEVE
T-SHIRTS, TANK TOPS, TURTLENECKS, TIES,
SCARVES, SHORTS, AND HOCKEY JERSEYS, IN
CLASS 25 (U.S. CLS. 22 AND 39).**

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

**FOR: ATHLETIC GOODS AND TOYS, NAMESLY,
HOCKEY PUCKS, HOCKEY STICKS, SOFT SCULP-
TURE FOAM TOYS AND FLUSH TOYS, IN CLASS
28 (U.S. CLS. 22, 23, 38 AND 50).**

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

SER. NO. 75-600,130, FILED 12-4-1998.

GINA HAYES, EXAMINING ATTORNEY



April 4, 2011

Dr. Stephen M. Jordan, President
Metropolitan State College of Denver
Office of the President
CN-315
Campus Box 01
P.O. Box 173362
Denver, CO 80217-3362

RE: Metropolitan State College of Denver Proposed Name Change

Dear President Jordan:

This letter follows our telephone conversation on March 29, 2011, and the letter sent to you, Robert Cohen, and Loretta Martinez, by legal counsel for DU on March 28, 2011.

Thank you for the attention that you have given to DU's concerns that prospective students and the community at large might confuse the name Denver State University and the acronym DSU with the University of Denver and DU. I also appreciate your suggestion that Metro State might be better served by instead adopting the name Denver Metropolitan State University.

DU has carefully considered this alternative name. It does appear that this would present much less potential for confusion between our two institutions, while also helping Metro State to better reflect your current identity, growth, and progress. Under these circumstances, and relying upon your commitment to DU that Metro State will continue to use its current brand identity to the greatest extent possible while implementing its name change, DU would not have objections to the proposed name of Denver Metropolitan State University.

Thank you again for your understanding in this matter. Please feel free to contact me or DU's University Counsel, Paul Chan, if you have any questions concerning this letter.

Sincerely yours,

A handwritten signature in black ink that reads "Robert D. Coombe". The signature is fluid and cursive.

Robert D. Coombe

cc: Robert Cohen

Loretta Martinez, Esq.

Mary Reed Building | 2199 S. University Blvd. | Denver, CO 80208 | 303.871.2111 | Fax 303.871.4101 | www.du.edu

FAEGRE
BENSON

D

NATALIE HANLON-LEH
NHanlon-Leh@faegre.com
303-607-3639

April 15, 2011

VIA E-MAIL

Loretta Martinez, Esq. (lpmartin@mscd.edu)
Office of the General Counsel
Metropolitan State College of Denver
1006 11th Street, #315
Denver, CO 80204

Re: Colorado Open Records Act Request

Dear Ms. Martinez:

On behalf of Colorado Seminary and the University of Denver (collectively "DU"), and pursuant to the Colorado Open Records Act, C.R.S. § 24-72-201 et seq., this correspondence is a request for records, regardless of format, medium or physical characteristics.

Specifically, on behalf of DU, we seek to inspect any and all documents from January of 2006 to the date of this letter pertaining to meetings of the Metropolitan State College of Denver ("Metro State") Board of Trustees, whether in-person or over the telephone, including but not limited to any and all minutes, transcripts, notes, audiotapes, electronic records, videotapes, photographs, agendas, and presentations, and a list of participants for those meetings, that discuss or in any way relate to:

- a. Any consideration or proposal to modify the name of Metro State, including but not limited to records created by the Strategic Name Initiative;
- b. Metro State's branding efforts;
- c. DU, including but not limited to DU's intellectual property rights and DU's name, including but not limited to the "University of Denver," "Denver University," and "DU"; and

- d. Correspondence to and from marketing and branding consultants, including but not limited to any research, reports, or recommendations from Sector Brands.

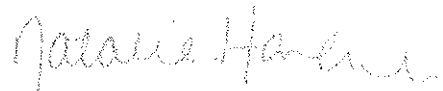
Please set a date and time within three working days at which all of the above requested records will be available for inspection and copying as required by C.R.S. § 24-72-203(3). If these records are not in your custody or control, please notify me forthwith and state in detail to the best of your knowledge the reason for the absence of the records, their location, and what person or persons has custody or control of the records, as required by C.R.S. § 24-72-203(2). DU will pay any charges associated with the retrieval of responsive documents without prior authorization.

If you deny access to any of the above public records, please provide forthwith a written statement of the express grounds for the denial, citing the law or regulation under which access is denied, as required by C.R.S. § 24-72-204(4).

If you have any questions about this request or foresee any problems in fully releasing the requested records within the requisite three-day period, please contact me within that time period. I can be reached at (303) 607-3639 or nhanlon-leh@faegre.com.

Thank you for your prompt attention to this Colorado Open Records Act request.

Regards,



Natalie Hanlon-Leh

NHL:SBR

cc: Paul H. Chan, Esq.

fb.us.6632648 01

April 18, 2011

Chancellor

Members of the General Assembly
[Addressed to individual members]
200 East Colfax Avenue
Denver, Colorado 80203-1776

RE: Metropolitan State College Name Change

Dear Members of the General Assembly:

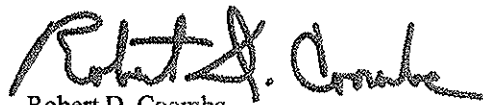
The University of Denver understands that Metropolitan State College of Denver is pursuing a bill which would authorize it to change its name to "Denver State University." This letter is to inform you that the University of Denver, which is commonly known as "Denver University" and "DU" strongly opposes this action and respectfully requests that you reject this bill if it is introduced. Denver University opposes Metro State adopting the name "Denver State University" for the following reasons:

- The proposed name change to "Denver State University" with the acronym "DSU" would cause unavoidable confusion between two institutions with distinct qualities, strengths, and missions. Our discussions with other private universities that share a city name with a state public institution have confirmed this fact.
- The change would interfere with Denver University's essential communications with its many constituents, including: prospective students, prospective and current employers of graduates, our local community, and the important larger community within which Denver University operates.
- It would be especially confusing online; where both institutions recruit students, promote their accomplishments, and where Denver University communicates with constituents world-wide.
- It would encroach on Denver University's established identity, built over its 147 year history. Also, it seems to depart from 45 years of existing Metro State brand equity.
- It presents a serious risk of future litigation resulting from trademark infringement. Clearly, the name "Denver State University" and the acronym "DSU" draft off of the established name recognition and reputation of our identity, Denver University and DU.

Denver University has unsuccessfully appealed to Metro State to choose a name other than "Denver State University" or at least to allow us to take a reasonable amount of time (a minimum of 90 days) to conduct a thorough market study to establish the extent of the damage that their proposed name might cause. However, Metro State has disregarded these requests and appears to be pressing forward in its efforts.

It is critical to us that our institution not be confused with "Denver State University." Consequently, we must appeal to the General Assembly to refuse the request by Metro State and reject any bill seeking to change its name to Denver State University. Thank you for your consideration of this matter.

For the University of Denver,



Robert D. Coombe
Chancellor

Cc: Mike Feeley
Steve Durham
Trygve Myhren
Pat Hamill
Tim Foster



April 18, 2011

Board of Trustees
Metropolitan State College of Denver
Inc.

RE: Your Proposed Name Change to “Denver State University”

Dear

As you know, members of the University of Denver Board of Trustees and Chancellor Robert Coombe met with members of the Metropolitan State College Board and President Stephen Jordan on April 11, 2011, to discuss DU’s objection to your proposed name change to “Denver State University.”

DU learned that Metro State was considering changing its name in February, at the same time as the rest of the public. Similarly, although we had two telephone conversations with Metro State during the first week of March where we expressed our concerns, we did not find out that you had chosen “Denver State University” until March 9, 2011, when it was announced in the press.

Recognizing that verbal misunderstandings do occur, we directed our attorneys to send the March 28, 2011 letter to you, which clarified DU’s position related to our responsibility to protect our trademarks. Following your receipt of that letter, Chancellor Coombe and President Jordan again spoke on the telephone. In that conversation, Chancellor Coombe made it very clear that DU opposes the “Denver State University” name. Hearing this, President Jordan suggested that Metro State might consider an alternative name like “Denver Metropolitan State University.” This conversation led to Chancellor Coombe’s April 4, 2011 letter, which confirmed the matters previously discussed and stated that DU would not object to the alternative name that President Jordan had proposed.

It appeared, however, that even after Chancellor Coombe sent the April 4th letter, there was remaining confusion in the community and at the legislature as to whether DU objected to “Denver State University.” I then spoke twice on the telephone with your chairman, Robert Cohen during the week of April 4th. In those conversations, I emphatically stated DU’s opposition to your use of “Denver State University.”

F

This led to our meeting on April 11th with your trustees and your president, where we had a very frank discussion about DU's opposition to that name. DU urged Metro State to choose a different name with less potential for confusion; or at the very least, to postpone a final decision on changing your name for 90 days. This time would allow DU to conduct a thorough and careful market survey and brand study, in order to explore the potential damage to DU's brand and the likely confusion which might occur. At the conclusion of the meeting, President Jordan and Mr. Cohen assured us that they understood our concerns and that they would present the alternative name proposal to the Metro State Board at their first opportunity.

Obviously, we do not know what decisions you have since made at your Board. At the same time, we have received further information that members of the legislature are still hearing that DU does not oppose your name change to "Denver State University." We find these developments to be extremely troubling.

DU understands that addressing matters like this do take time at a public institution. We hope that you will similarly understand that until we receive information that Metro State has decided to adopt an alternate name or that you have agreed to postpone further action on adopting "Denver State University," including withdrawing your request for a bill authorizing that change, DU must aggressively protect its interests, both in the public and with the General Assembly.

We do hope, however, that we can continue to work together cooperatively and candidly as we address this challenging issue. For that reason, I am providing you with a copy of a letter that DU has sent to the General Assembly, which sets forth our position regarding the unavoidable confusion between "Denver State University" and the Denver University / DU identity.

As the letter points out, confusion between the proposed name and DU's brand is inevitable and should be expected. You may be aware that on one occasion when the University of San Diego Men's Soccer team reached the NCAA final four, the trophy they received from the NCAA was engraved with the name of San Diego State University.

More important, this confusion can have a devastating effect. San Diego State University has told us that just in the last few weeks, numerous news outlets across the country reported that two SDSU basketball players and an SDSU coach faced federal indictments for point shaving. These individuals were actually from the University of San Diego, and SDSU officials tell us that this misidentification has caused them significant damage. If the NCAA and news professionals can regularly make this type of mistake, it would be unreasonable and naïve to believe that prospective students, prospective employers and community members, particularly those in other parts of the country and overseas, would not make the same mistake. In that we already experience confusion with UCD when students check off the institutions to receive their

SAT scores, can you imagine the far greater confusion that would result from the far greater similarity between our name and your proposed name?

It may be helpful for you to understand that 65 percent of Denver University's undergraduates and a large number of its graduate students come to our campus from outside Colorado. While we have every reason to believe that confusion locally between the identities of our two institutions would be significant, we are assured that the misidentification outside of the Denver area will be dramatic.

Consequently, DU urges you to choose a new name other than "Denver State University," or at least that you postpone pursuing this name change until we can further study the harm that this action might cause to both of our institutions. It is my sincere hope that we can preserve the positive relationship that we have always enjoyed and move forward in the spirit of cooperation and collaboration as we seek a mutually beneficial resolution of our differences.

Sincerely yours,


Trygve Myhren, Chair
Board of Trustees

Cc: Robert D. Coombe
Patrick D. Bowlen
Joy S. Burns
Edward W. Estlow
Margot Gilbert Frank
Kevin C. (K.C.) Gallagher
Peter Gilbertson
Leo K. Goto
Dr. María Guajardo
Patrick H. Hamill
Jane Hamilton
Dr. Richard R. Kelley
Pat Livingston
John W. Low
John A. Miller

Carrie Morgridge
Ralph J. Nagel
Robert C. Newman
Scott J. Reiman
Richard M. Sapkin
Douglas G. Scrivner
Catherine C. Shopneck
John J. Sie
Donald L. Sturm
Otto Tschudi
Clara Villarosa
Fred Waldeck
Mike Feeley
Steve Durham
Paul Chan

April 18, 2011

Chancellor

Members of the General Assembly
[Addressed to individual members]
200 East Colfax Avenue
Denver, Colorado 80203-1776

RE: Metropolitan State College Name Change

Dear Members of the General Assembly:

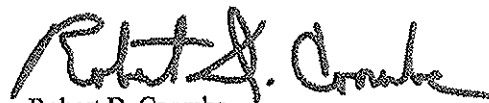
The University of Denver understands that Metropolitan State College of Denver is pursuing a bill which would authorize it to change its name to "Denver State University." This letter is to inform you that the University of Denver, which is commonly known as "Denver University" and "DU" strongly opposes this action and respectfully requests that you reject this bill if it is introduced. Denver University opposes Metro State adopting the name "Denver State University" for the following reasons:

- The proposed name change to "Denver State University" with the acronym "DSU" would cause unavoidable confusion between two institutions with distinct qualities, strengths, and missions. Our discussions with other private universities that share a city name with a state public institution have confirmed this fact.
- The change would interfere with Denver University's essential communications with its many constituents, including: prospective students, prospective and current employers of graduates, our local community, and the important larger community within which Denver University operates.
- It would be especially confusing online; where both institutions recruit students, promote their accomplishments, and where Denver University communicates with constituents world-wide.
- It would encroach on Denver University's established identity, built over its 147 year history. Also, it seems to depart from 45 years of existing Metro State brand equity.
- It presents a serious risk of future litigation resulting from trademark infringement. Clearly, the name "Denver State University" and the acronym "DSU" draft off of the established name recognition and reputation of our identity, Denver University and DU.

Denver University has unsuccessfully appealed to Metro State to choose a name other than "Denver State University" or at least to allow us to take a reasonable amount of time (a minimum of 90 days) to conduct a thorough market study to establish the extent of the damage that their proposed name might cause. However, Metro State has disregarded these requests and appears to be pressing forward in its efforts.

It is critical to us that our institution not be confused with "Denver State University." Consequently, we must appeal to the General Assembly to refuse the request by Metro State and reject any bill seeking to change its name to Denver State University. Thank you for your consideration of this matter.

For the University of Denver,



Robert D. Coombe
Chancellor

Cc: Mike Feeley
Steve Durham
Trygve Myhren
Pat Hamill
Tim Foster



April 19, 2011

Board of Trustees
Metropolitan State College of Denver

Re: Metro State Name Change

Dear

This letter follows the letter I sent to you yesterday. It relates information we have received from universities that share a city name with other schools and the regular confusion that they encounter. This information confirms that the similarities between our identity and “Denver State University” would detract from each our missions and our branding efforts, including those in the areas of marketing and communications, admissions, and athletics.

As we have communicated to you in previous letters, Denver University strongly opposes Metro State’s name change to “Denver State University,” because this action would cause unavoidable confusion, interfere with essential communications with our constituents, and present a serious risk of litigation from trademark infringement.

Thank you for your careful consideration of this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Trygve E. Myhren'.

Trygve Myhren, Chair
Board of Trustees

COMMUNICATIONS AND MARKETING

The problem is . . . an “alphabet soup” issue. The acronym isn’t universally recognized and is often confused for other institutions in the San Diego area whose names share the same letters.

*--Communications Style Manual,
University of San Diego*

Marketing and Communications Officers agree that name confusion is a significant problem:

- Krystn Shrieve, the Director of Brand Marketing Communications at the University of San Diego says about SDSU, “**It does absolutely create brand confusion.**” In 2005, USD implemented a new brand strategy and logo in order to distinguish itself from SDSU.
 - Ellen Griffin, Vice President of Communications, San Francisco State, says “We find there is **enormous confusion** when educational institutions of various affiliations share elements in their name-- **especially when it’s the city in which they’re located.**”
 - Laurie Kelley, the Chief Marketing Officer and Assistant Vice President for Marketing and Communications at the University of Portland says that this creates “**so many challenges!**” and that it creates an “identity crisis” for both Portland and Portland State.
- It’s not unusual for people to arrive at one school’s campus when they meant to go to the other school’s campus across town.
 - The schools are forced to waste resources defining themselves by who and what they are not.
 - Confusion results whenever there are common elements: for example, the confusion exists not just between University of San Francisco and San Francisco State, but also with University of California, San Francisco and City College of San Francisco.
 - Confusion occurs in all types of media: the press, broadcast and online, magazines, and scholarly journals.

ADMISSIONS

According to Noel Levitz:¹

- **44 % of students use Google or other search engines to find school names they've heard of from parents or friends. 3 % of students guess at a school's URL until they get it right.**
- **24 % of current, college-bound high school seniors reported they had removed a specific college from their list of potential schools because of their experience on the college's website.**
- **65 % of students said their opinion of a college improved because of their experience on the college's website.**

The average time users spend on DU's Admissions Landing Page is 43 seconds; the average time spent on the Apply Page is 2 minutes, 45 seconds. 65% of these visitors come directly from a search engine.²

Moreover, it may not matter HOW MUCH time they spent on your website. They've already made a judgment call about the quality of your institution within the first few seconds of visiting your website.³

You have just moments to capture the attention of a prospective student online. Are you willing to risk that they are not even looking at your website, but rather at another which they believe to be yours?

Admissions Offices agree that name confusion is a significant problem:

- The Undergraduate Admissions Office at the University of San Diego states that **confusion is so common** between their institution, San Diego State University, and University of California at San Diego that **receptionists must actively screen to make sure that callers have reached the correct institution.** Confusion is especially common at recruiting fairs in other cities.
- Jenelle Dean in the Admissions Office at the University of California at San Diego states that **there is confusion** between her institution, the University of San Diego, and San Diego State University. This is particularly true with out-of-state students.
- Yvonne Martin, the Director of Freshman Admissions at Jacksonville University in Florida confirms that she encounters students who have confused her school with Jacksonville State University in Alabama.

These Admissions Offices warn that they must be particularly careful to remind students to put down the right school name and code when choosing which schools receive their ACT and SAT results.

¹ Noel-Levitz et al. (2010). *Focusing Your E-Recruitment Efforts to Meet the Expectations of College-Bound Students*. Coralville, Iowa: Noel-Levitz.

² Source: DU's Google Analytics.

³ <http://news.bbc.co.uk/2/hi/technology/4616700.stm>

ATHLETICS

When the University of San Diego Men's Soccer team reached the NCAA final four, the trophy they received from the NCAA was engraved with the name of San Diego State University.

On April 11, 2011, news outlets across the country reported that a former San Diego State University coach and two players had been indicted on allegations of point shaving. The only problem was that the defendants were from the University of San Diego.

The year before last, the New York Times misidentified the University of San Diego men's basketball team as San Diego State in a story about tournament upsets.

Sports Information Directors agree that name confusion is a significant problem:

- Ted Gosen, the Sports Information Director at the University of San Diego states that it has been an **on-going battle locally, regionally and nationally for more than 30 years** while he's been at USD and that the media, fans, and community have confused USD with San Diego State University and at times the University of California at San Diego.
- Jamie McConeghy, Assistant Sports Information Director at San Diego State University says that they are **regularly confused** with the University of San Diego and University of California at San Diego.
- Jason Brough, the Sports Information Director at the University of Portland also reports that confusion between their university and Portland State University has also been a problem.
 - It's not unusual for fans who are trying to find the University of Portland to end up on the Portland State campus, **particularly when they use Mapquest.**
 - Confusion often occurs when the team has a big win or qualifies for an NCAA tournament, denying recognition when it's deserved most.
 - Media consistently call asking for interviews with players who go to the other schools.

Confusion is a particular problem when teams play on the road, especially out-of-state.

Additional Facts:

Institutions located in the same city and sharing that city's name:

University of Portland (Private; founded 1901; 3,537 students)

Portland State University (Public; founded 1946; 30,000 undergrads & grad students)

University of San Diego (Private; founded 1949; 7,832 students)

San Diego State University (Public; founded 1897; 30,000 undergrads & grad students)

University of San Francisco (Private; founded 1855; 8,500 undergrads & grad students)

San Francisco State University (Public; founded 1899; 31,000 undergrads & grad students)

Jacksonville University, FL (Private; founded 1934; 3,600 undergrads & grad students)

Jacksonville State University, AL (Public; founded 1883; 9,500 students)

These institutions have all been in existence and sharing their similar names for at least 60 years. Microsoft made the first version of Internet Explorer available to the public in 1995. Google was not incorporated until 1998. Since that time, the pertinent confusion has increased substantially.