

**MINUTES OF MEETING
UTAH STATE BOARD OF REGENTS
WEBER STATE UNIVERSITY
May 31, 2002**

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MINUTES
MEETING OF THE UTAH STATE BOARD OF REGENTS
WEBER STATE UNIVERSITY
OGDEN, UTAH
May 31, 2002

Regents Present

Charles E. Johnson, Chair
Pamela J. Atkinson, Vice Chair
Linnea S. Barney
Daryl C. Barrett
Kim R. Burningham
David J. Grant
L. Brent Hoggan
James S. Jardine
Michael R. Jensen
David J. Jordan
Nolan E. Karras
E. George Mantes
John B. Norman, Jr.
Jed H. Pitcher
Sara V. Sinclair
Marlon O. Snow
Maria Sweeten

Office of the Commissioner

Cecelia H. Foxley, Commissioner
David Buhler, Associate Commissioner for Public Affairs
Joyce Cottrell, Executive Secretary
Chalmers Gail Norris, Associate Commissioner for Student Financial Aid
Mark H. Spencer, Associate Commissioner for Finance and Facilities
Gary S. Wixom, Assistant Commissioner for Applied Technology Education and Special Projects

INSTITUTIONAL REPRESENTATIVES

University of Utah

A. Lorris Betz, Senior Vice President for Health Sciences

Utah State University

Kermit L. Hall, President

Weber State University

Paul H. Thompson, President

Southern Utah University

Sterling R. Church, Vice President for Student Activities

Snow College

Michael T. Benson, President

Dixie State College

Robert C. Huddleston, President

College of Eastern Utah
Ryan L. Thomas, President

Utah Valley State College
Kerry D. Romesburg, President

Salt Lake Community College
H. Lynn Cundiff, President

Utah College of Applied Technology
Gregory G. Fitch, President and Associate Commissioner

Representatives of the Media
Lisa Roskelley, *Ogden Standard Examiner*
Kirsten Stewart, *Salt Lake Tribune*
Twila Van Leer, *Deseret News*

Following a breakfast meeting with the Weber State University Board of Trustees and President Thompson and meetings of the Board committees, Chair Johnson called the meeting of the Committee of the Whole to order at 11:00 a.m. He reminded the Regents that the last time they had met on the Weber campus had been immediately following the events of September 11 last year. Seeing and hearing the jets overhead brought back a flood of memories of that difficult time for our nation.

Report of the Commissioner

New Associate Commissioners. Commissioner Foxley introduced her two new Associate Commissioners – Dr. Mark Spencer, Associate Commissioner for Finance and Facilities, and Dr. Deanna Winn, Associate Commissioner for Academic Affairs. Dr. Winn will officially begin her duties on July 1, but she has been involved in meetings with the Chief Academic Officers and Board committees. Background information on the two new Associate Commissioners was sent to the Regents and Presidents previously. Chair Johnson welcomed Drs. Spencer and Winn in their new roles.

Recognition of Sterling Church and Lucille Stoddard. Commissioner Foxley said two vice presidents were representing their Presidents at the meeting – Dr. Lorris Betz was standing in for President Machen, and Dr. Sterling Church was representing President Bennion. She pointed out that this was Dr. Church's last Board meeting as SUU's Vice President for Student Services. He has served for 31 years with distinction, 30 of them as Chief Student Services Officer. He will be greatly missed in the System as well as at the University. Thousands of students have benefitted as a result of his good work. Commissioner Foxley wished Dr. Church well in his retirement. This was also Dr. Lucille Stoddard's last Board meeting as UVSC's Vice President for Academic Affairs. Dr. Stoddard has given over 30 years of service to UVSC and has been a stellar leader in the region as well as the state. Commissioner Foxley also wished Dr. Stoddard well in her retirement.

Report on Rand Johnson. Commissioner Foxley asked President Cundiff for an update of Rand Johnson's medical condition. Mr. Johnson, Interim Vice President of Business Services, was injured severely in a motorcycle accident on May 17. President Cundiff said Rand was doing well, considering the severity of the injuries he received. Following the accident, he was life-flighted to the University Medical Center, where he remains in neurological intensive care. He received a broken shoulder (front and back) as well as head injuries. Mr. Johnson is alert but is still on pain-relieving medications. The doctors anticipate a full recovery with time, which is expected to take six months or more. Still, he is making progress every day. President Cundiff said Judd Morgan, who is retiring June 30 as Vice President of Student Services, will act as Vice President of Business Services during Rand's absence. He expressed the family's appreciation for everyone's thoughts and prayers on behalf of the Johnson family.

New SUU Provost. Vice President Church announced that Dr. Abe Harraf had accepted the position of Provost at Southern Utah University. Dr. Harraf received his Ph.D. Degree in Economics from Utah State University. He has been Dean of Academics at Embry Riddle University in Daytona Beach, Florida. Dr. Harraf will assume the position of Provost in mid-July. Vice President Church expressed his appreciation to Dr. Carl Templin, who has been serving as Interim Provost for the past few months.

Reports of Board Committees

Academic and Applied Technology Education

Utah State University – Doctorate of Audiology Degree (Tab A). Chair Jardine clarified that this degree was more like a pharmacy degree than a traditional Ph.D. degree. Because of accreditation requirements by the American Speech-Language-Hearing Association (ASHA), this degree is needed for certification in the field of audiology. A master's degree will no longer be accepted as an entry-level credential within a few years. The University of Utah has a similar program, and UofU officials will be requesting approval of this change to their program in the near future. Chair Jardine said the committee supported this proposal. Both research institutions will likely attract students from outside the state because programs are not offered in the West as readily as in the East. A combination of federal special education support, institutional funding, and private donations is expected to fund the proposed program. **Chair Jardine moved approval of the Doctorate of Audiology Degree. The motion was seconded by Regent Mantes and carried unanimously.**

Proposed Letter of Intent to be included in Policy R401, *Approval of New Programs, Program Additions or Program Changes* (Tab B). Chair Jardine recalled that the committee had begun a process a year ago of notifying the Regents of programs coming to the Board for future approval (Tab C). The committee discussed whether or not this would give the Regents sufficient information prior to program approval. A Letter of Intent (Attachment 1) was developed which would provide for a small group of reviewers (three Regents, two institutional representatives appointed by the institutional CAO, a member of the Institutional Board of Trustees, and Commissioner's staff) to raise issues or concerns before the program appears on the Regents' agenda. This would allow a smaller group to do more in-depth review before the program is presented to the full Board. Chair Jardine briefly reviewed the Letter of Intent. He said the committee had some concern about the need for a fast-track process of certificate programs, and asked the Chief Academic Officers (CAOs) to come back with a recommendation for a fast-track exception where appropriate. To the information which must be included in the Letter of Intent, the committee added "E. Description of other related programs in the System."

Chair Jardine said the committee had a fairly lengthy discussion about knowing how to evaluate programs coming forward, how the budget was built for the program, and its impact on the institution. The

committee also requested information giving the Regents insight into the funding. An institutional reallocation of funding, for example, would be explained in the Letter of Intent. The question was raised of whether or not something similar to the Q&P process could be applied to programs coming forward, recognizing that academic programs are not buildings. The CAOs were charged to look at these issues and offer suggestions about ranking or other methods of evaluation in providing assistance to the Regents to assess the needs of the System as a whole. Chair Johnson recognized that this would be an evolving process.

The general feeling in the committee was that the Letter of Intent was a good enhancement to the present policy. An additional question was raised about programs being eliminated. A process does not exist to identify programs which are proposed but do not make it through the screening process. The committee approved the proposal, including the request to the CAOs previously described. **Chair Jardine moved approval of the Letter of Intent, including the addition of item E, and subsequent request to the Chief Academic Officers for a system of ranking. The motion was seconded by Regent Sweeten.**

Regent Barrett asked how many institutions were cutting programs due to budget restraints. She recommended that the Regents communicate the information about programs being cut to minimize the fiscal impact on the entire System. **Vote was taken on the motion, which carried unanimously.**

Chair Johnson suggested the formation of a Regents' Review Committee as a standing committee of the Academic and ATE Committee, which would be chaired by Regent Jardine, and which would include Regents Mantes and Barrett. Regent Hoggan moved that the committee be so formed. The motion was seconded by Regent Sweeten and carried unanimously.

Programs Under Development/Consideration at USHE Institutions (Tab C). Chair Jardine pointed out that it was interesting that some programs were shown on the matrix as being presented at this meeting but which were not presented because of budgetary constraints. He noted that the report was presented for information only; no action was requested.

Information Calendar, Academic and Applied Technology Education Committee (Tab D). Chair Jardine noted that several institutions had indicated program deletions. This is helpful information for the Regents.

Consent Calendar, Academic and Applied Technology Education Committee (Tab E). Chair Jardine said the committee had discussed distance-based options for nursing in terms of a Ph.D. program at the University of Utah and the delivery of RN to BSN programs via the Internet at Weber State University. This led to a discussion of sharing best practices in distance technologies. The committee was satisfied that the development of distance-based/technologically-delivered learning, in addition to the Utah Education Network, has been entrepreneurial. WSU is a significant player in the development of distance education, with 12 percent of its students taking courses online via the Web. Vice Chair Jordan noted the division of SUU's Department of Language and Literature into the Department of English and the Department of Foreign Languages and Humanities. He asked if this division was still moving forward with the current budgetary constraints. Vice President Church said it was and clarified that there were no significant financial factors involved in making this change.

Regent Barrett asked Chair Jardine to respond to the discussion about sharing best practices in distance learning with the CAOs. Chair Jardine said the committee had asked the CAOs to discuss whether or not they were satisfied that the best practices were being shared and to report back to the committee. He

noted that UVSC Vice President Stoddard holds the record for the most programs being approved during her tenure as Vice President.

On motion by Chair Jardine and second by Regent Sweeten, the following items were unanimously approved on the committee's consent calendar:

- A. University of Utah – Distance-based Option for the Ph.D. Degree in Nursing
- B. Utah State University – Reorganization of the College of Natural Resources
- C. Weber State University
 - i. Delivery of the RN to BSN Program via the Internet
 - ii. Approval to offer last two years of the Bachelor of Science Degree in Construction Management (BS-CMT) on Salt Lake Community College Campus in Salt Lake City
- D. Southern Utah University
 - i. Department of Languages and Literature into the Department of English and the Department of Foreign Languages and Humanities
 - ii. Reorganization of the Department of Business by making three divisions into the following three departments: Accounting and Information Systems, Economics and Finance, and Management and Marketing
- E. Utah Valley State College
 - i. Move the Department of Multimedia Communication Technology (MCT) to the School of Computer Science and Engineering Technology
 - ii. Emphasis in Business/Marketing Education as a Secondary Education Endorsement and Certificate Program
 - iii. Creation of the School of Education (currently the Department of Education), Child and Family Studies, which is a part of the School of Humanities, Arts and Social Science
 - iv. Move the Department of Environmental Technology from the School of Technology, Trades, and Industry to the School of Science and Health

Chair Johnson thanked Chair Jardine for his report.

Finance and Facilities Committee

Utah State University – Research Revenue Bonds Issue (Tab F). Chair Hoggan reviewed the parameters, which were listed on Attachment 1. The principal, not to exceed \$25,300,000, includes \$21,300,000 to finance construction of three Research Foundation facilities and \$4 million to finance the refunding. This issue would represent a savings of 3.75% or in excess of \$300,000. Chair Hoggan noted that Zions Bank was the financial advisor, not the underwriter. Bond counsel is Ballard Spahr. **Chair Hoggan moved approval of the bonds, seconded by Regent Atkin. The motion was adopted by the following vote:**

YEA: Jerry C. Atkin
Pamela J. Atkinson
Daryl C. Barrett
David J. Grant
L. Brent Hoggan
James S. Jardine

Michael R. Jensen
Charles E. Johnson
David J. Jordan
Nolan E. Karras
E. George Mantes
John B. Norman, Jr.
Jed H. Pitcher
Sara V. Sinclair
Marlon O. Snow
Maria Sweeten

NAY: (None)

Weber State University – Campus Master Plan (Tab G). Chair Hoggan said significant changes were being planned to Weber's master plan under the advice of professionals who have been retained to work with University administrators. President Thompson clarified the changes, explaining that this was a 15-year plan. One change would be to complete Loop Road. The new master plan would also move the entrance to the University north of its present location in order to deal with the traffic more efficiently. Housing will be replaced; buildings 1-4 will be demolished and replaced with a high-rise building in the future. A pedestrian trail will connect the housing with the main campus. **Chair Hoggan moved approval of Weber State University's Campus Master Plan. The motion was seconded by Regent Sinclair and carried unanimously.**

Utah Valley State College – Property Exchange (Tab H). Chair Hoggan explained that 1056 square feet of property on the southeast corner of the campus would be exchanged with a nearby parcel of the same size. No funding would be required for this transaction. This exchange would enable UVSC to construct an access road to another part of campus and would enable the neighbor to acquire enough property to construct a buffer wall between his property and the College. **Chair Hoggan moved approval of the property exchange. The motion was seconded by Regent Atkin and carried unanimously.**

USHE – Proposed Revisions to Policy R561, *Accounting and Financial Controls* (Tab I). Chair Hoggan explained that the purpose of the proposed revisions was to bring the policy into compliance with federal government accounting regulations. **Chair Hoggan moved approval of the proposed revisions to policy R561. The motion was seconded by Vice Chair Atkinson and carried unanimously.**

USHE – Proposed Revisions to Policy R510, *Tuition and Fees* (Tab J). Chair Hoggan said the general consensus of the committee was that it was premature to address the issues of excess credit hours and repeating courses at this time. Most of the committee discussion focused around the cost benefit ratio. The committee felt that this issue required further consideration and analysis and voted to table the proposal for action at a future time. **Chair Hoggan moved, seconded by Vice Chair Atkinson, that this item be tabled until additional information is received.** Chair Johnson said he had received some phone calls from concerned parents. Their most important point was that this is often the fault of the System, not the fault of the students. He said when North Carolina adopted this for all students, the average hours to graduation decreased. Chair Hoggan said the issue was perceived by some institutional representatives to be a monitoring nightmare. He asked if a cost benefit analysis was available.

Commissioner Foxley said she had been in the other committee when this was discussed. She clarified that the intent was to provide incentives for students and institutions to do a better job of sharing information

and to do more effective academic planning and preparation. While we knew there would be administrative challenges, we may not know the full cost benefit for several years. She said she welcomed the opportunity to continue to work with the Presidents and their institutions to try to find incentives for student success.

Regent Norman asked if the students could be heard. Brody Barnes, Weber State University's 2002-2003 Student Body President, said the students were doing their best to graduate in the least amount of time. She thanked the Commissioner's office for keeping the students informed. Chair Johnson thanked Mr. Barnes for his comment. **Vote was taken on the motion to table. It carried unanimously.**

USHE – 2002-2003 Final Capital Improvement Allocations (Tab K). Chair Hoggan said this was an information item which required no action. He explained that capital improvements included maintenance and upgrades to such items as heating systems. Of the \$49.5 million allocated to the state, higher education has received 61 percent, or \$25.5 million for new projects and the restoration of \$3.1 million for 2001-2002 projects. Commissioner Foxley said the Commissioner's recommendation included appreciation to several individuals who have made this possible. In addition, she recognized Dr. Norm Tarbox for his excellent work as Associate Commissioner for Finance and Facilities and his very effective working relationship with the State Building Board and the Department of Facilities and Construction Management. She also thanked everyone from the other state agencies for their help, which is greatly appreciated.

Audit Review Subcommittee Report (Tab L). Chair Hoggan explained that the Audit Review Subcommittee meets quarterly to review various system audits. There is a continuing concern about deficits in specific programs which have been disclosed in these audits. In their meeting earlier this week, the committee received a review of the overall audits at all of the USHE institutions. No deficit balances were reported at any of the institutions, but there may be deficits in some of the programs. Chair Hoggan said the committee will be reviewing policy R565, *Audit Review Subcommittee*. The Finance and Facilities Committee asked that the audit reviews be accompanied by a plan to address the deficits. **Chair Hoggan moved that the Board accept the report of the Audit Review Subcommittee. The motion was seconded by Regent Jensen and carried unanimously.**

UHEAA Board of Directors Report (Tab M). Chair Hoggan reported that the committee had discussed extensively this report and the function of UHEAA. It is now possible for borrowers in the System, with the borrower incentives, to be paying off loans next year at less than 1% interest. He remarked that Utah probably has the most "borrower friendly" incentives in the country. The committee discussed the effect of increasing tuition on borrowing. UHEAA now administers in excess of \$2 billion in student loans. Chair Hoggan commended Associate Commissioner Norris for his excellent oversight.

Consent Calendar, Finance and Facilities Committee (Tab N). **On motion by Chair Hoggan and second by Regent Atkin, the following items were unanimously approved:**

- A. UofU and USU Capital Facilities Delegation Reports
- B. USHE – 2002-2003 Initial Work Programs
- C. OCHE – Monthly Investment Report

University of Utah – Purchase of Space for Price Dialysis Program (New agenda item). Chair Hoggan referred to the new agenda item in the Regents' folders. **He moved that this item be added to the agenda. The motion was seconded by Vice Chair Atkinson and carried unanimously.** Chair Hoggan explained that the property was a 10,000-square foot building, of which the University would use 4200 square feet for a

dialysis unit. There will be no financial outlay. This will become a permanent facility in Price. **Chair Hoggan moved that this item be moved to an action item. The motion was seconded and carried unanimously. Chair Hoggan moved approval of the purchase. The motion was seconded by Regent Atkin.** Dr. Betz said the building was being constructed by Castle View Hospital, and the University of Utah will purchase 4200 square feet of space in it. Regent Jordan asked why we were doing a “condo” arrangement. Dr. Betz responded that a cost analysis was done which showed that this arrangement would be the most efficient. The University has been on the site (in a trailer) for 20 years. This is the only dialysis treatment center between Grand Junction, Colorado and Provo and Cedar City. **Vote was taken on the motion, which carried unanimously.**

Chair Johnson thanked Chair Hoggan for his report.

Engineering, Computer Science, and Technology Initiative

Commissioner Foxley welcomed and introduced John Sutherland, Chair of the Technology Initiative Advisory Board (TIAB). She thanked the TIAB for their participation and for the many volunteer hours contributed to the project. She referred to Tab P in the agenda and to the Attachments to Tab P in the folders. Mr. Sutherland said the TIAB’s focus the first year had been on three institutions only (University of Utah, Utah State University and Weber State University) because of the backlog of students in the engineering programs. Those three universities received ongoing funding. One-time funds were provided to five institutions – the previous three universities, plus Southern Utah University and Utah Valley State College. The appropriation for the second year doubled the ongoing allocation but provided less in one-time funding. Mr. Sutherland said he had interviewed all nine engineering/technology deans to ascertain institutional needs, how the funds would be used, etc. The TIAB was able to fund all of the requests for ongoing funds at the four-year institutions. He reminded the Regents that the objective of the bill was to increase the number of graduates in the engineering and computer science programs. The TIAB’s recommendation was not to approve funding for the new integrated engineering program at SUU because of the existing programs and the desire to keep the engineering programs competitive and effective. Mr. Sutherland pointed out that having two strong engineering programs in a state such as Utah is more effective than diluting the program by adding programs at other institutions. The TIAB’s recommendation to the Regents was outlined on page 2 of the Commissioner’s cover memo.

Commissioner Foxley thanked Mr. Sutherland for his role and for the TIAB’s work. She referred the Regents to a letter from SUU President Steve Bennion. Because President Bennion could not be present, he asked that the Regents recuse the recommendation of the Technology Initiative Advisory Board not to fund SUU’s Integrated Engineering Program. The Regents’ folders also contained a letter from the Manufacturing Extension Partnership indicating that this program meets their needs.

Regent Grant, speaking as the owner of a small manufacturing firm which hires graduates of this program, asked for clarification: Is it an issue of the use of funds allocated or the money being allocated? Mr. Sutherland said several large engineering programs are already in place in this state. The majority of the TIAB favored applying the funding to the programs with the backlog and high demand. Chair Johnson said the issue seemed to be whether or not this would diminish the existing computer science program at SUU by putting the money into integrated engineering. Mr. Sutherland said the institutions who were already graduating students had a better chance of graduating additional students than institutions where the program was not well established. He noted that it takes some time to get sufficient funding for new programs.

Vice President Church said rural Utah cannot afford engineering graduates from top institutions who are highly specialized. Many employers are looking for general engineers who can help small manufacturing companies. The question is how SUU can best use the money. Dr. Church asked Interim Provost Templin to address the issue of competing needs. Dr. Templin said SUU's proposal was for engineering, not computer science. The University has already invested in computer science. They received some one-time money to help with computer labs last year. Engineering is already a Regent-approved program (March 2001). SUU will have five seniors in the program next year who deserve the opportunity to finish the program they have already begun.

Regent Snow asked if the purpose of the Governor's Initiative was only to enhance the programs already in place. Mr. Sutherland said the Governor's recommendation was to double the number of engineering graduates in five years and triple the number in eight years. Regent Atkin asked for clarification: The \$75,000 would go to SUU but they could not use it for their existing engineering program? Chair Johnson said the Regents could approve or make modifications to the recommendation.

Regent Jardine expressed his appreciation to Mr. Sutherland and the committee for their good work. When SUU's engineering program was approved, there was concern on the part of the Academic and ATE Committee. Commissioner Foxley clarified that the program was to be funded with internal reallocation. Dr. Templin said the money is needed for an additional engineering professor and a technician. The labs were already funded internally by combining resources from other related programs. With the budget constraints, this money is needed to allow existing students to complete the program.

Regent Jordan commended the committee for its work. He noted that the TIAB was not proposing to take SUU's allocation and give it to another university. He suggested since the Regents have approved SUU's Integrated Engineering program and there are seniors in the program whose needs cannot be met without allocating this money, SUU be given the flexibility to allow the students to complete the program. If this is going to be a continuing problem for this program, the Regents may need to revisit the status of the program.

Regent Jensen expressed concern about community colleges and transfer issues. Community colleges are only receiving one-time funds. We would be "cutting them off at the knees" by not giving them ongoing funding. Many transfer students come out of the community colleges and go into engineering programs at the universities. Mr. Sutherland said CEU's engineering dean had told him that CEU would not be able to match the ongoing funds. To date the Legislature has only allocated \$7 million. Mr. Sutherland said there have been institutions where other departments would like to get some of the allocation, but the TIAB believes strongly that this money needs to go to computer science and engineering programs.

Regent Atkin moved adoption of the Technology Initiative Advisory Board's recommendation, without the restriction on Southern Utah University. The motion was seconded by Regent Hoggan. Regent Jensen moved to amend the motion so that the funds not be restricted to existing four-year programs, that one-time funds for the community colleges be shifted to ongoing allocations, and that the other institutions' allocations be reduced *pro rata* and moved to one-time funding. He expressed his concern about any of the institutions being eliminated because they are not able to match funds. The amended motion died for lack of a second. Vote was taken on the main motion by a show of hands, and it carried. Chair Johnson thanked Mr. Sutherland for his report.

Regent Jardine recalled the recent legislative audit of the University of Utah Medical School, wherein the Regents were asked to review policy R801 (Tab O). The context, however, was bigger than the legislative audit. The Diversity Committee concluded that they were not sure that current Board policies are in conflict, but they should be updated. The proposed revisions do not constitute a significant change from current policy. The committee decided to recommend general language rather than specific language, with the following broad principles:

1. We do not make hiring or admissions decisions taking into account any of the prohibitive categories. Schools can take into account other background factors which may have some effect on these categories.
2. It is appropriate to reaffirm the Regents' support for diversity. The committee suggested eliminating language about affirmative action which implied a quota. Diversity is appropriate and there should be outreach efforts to reach faculty and students. It is appropriate to collect data to see how we are doing in comparison with the diversity population survey.

Vice Chair Atkinson referred to the last sentence of § 3.1 and said the word "talented" could be seen as discriminatory, based on interpretation. She recommended substituting "qualified" in place of "talented." **Regent Jensen moved approval of the proposed revisions to policy R801, as amended to strike the word "talented" in the last sentence of § 3.1 and insert "qualified" in its place. The motion was seconded by Regent Jordan.**

Regent Jensen questioned the word "administration" in § 3.2 and suggested that this should represent the entire spectrum of administration in its broadest form. Regent Jardine said it was the intent of the committee that this be broad in the spirit of the policy. **Vote was taken on the motion, which carried unanimously.** Chair Johnson thanked Regent Jardine for his report and for the excellent work of the committee.

The meeting recessed at 12:34 p.m. for lunch.

Luncheon Meeting to Honor Representatives Afton Bradshaw and Gerry Adair

Following an excellent meal, President Paul Thompson welcomed everyone to the Weber State University campus on a beautiful spring day. He expressed his own appreciation to Representatives Bradshaw and Adair. Chair Johnson said the Regents were grateful for the opportunity to honor two "super stars" who are ending their legislative service.

Representative Afton Bradshaw. Chair Johnson said he appreciated Representative Bradshaw's helpfulness and ever-present smile. She has been named Legislator of the Year, Woman of the Year, and Republican of the Year, among other honors. She has been a mentor for other legislators, particularly female legislators. After her knee surgery last year, she made everyone else feel good despite her own pain. Representative Bradshaw has given 18 years of service in the Utah House of Representatives. She has been a member of the Higher Education Appropriations Subcommittee for the past 14 years, and a co-chair of that subcommittee for the last eight years. She has been a remarkable friend to higher education. She has sponsored over 100 bills, more than 80 of which have passed the House. Many of those bills impacted higher education. The USHE has grown under her tenure by 55,000 students, and higher education appropriations

have increased by \$283 million. She has consistently supported the areas of technology (UEN), libraries, engineering, computer science, and other initiatives and has been higher education's ally for state funding. Chair Johnson saluted Representative Bradshaw as a great friend and a great legislator and expressed his appreciation to her. Commissioner Foxley said Representative Bradshaw would long be remembered by the Utah System of Higher Education. She presented her with a plaque on behalf of the System.

Representative Bradshaw said some of her favorite people, and some individuals whom she respects the most, were in the room. She expressed her appreciation for such a special award. Higher education has been and will continue to be her passion. She pledged her continued support in the future.

Representative Gerry Adair. Chair Johnson said the Utah Legislature had put Representative Adair at the front of the redistricting effort because of his credibility on both sides of the aisle and with the public. He is known for being straightforward, honest, and is a man to be trusted. Representative Adair seeks out higher education officials to give them an update on capital facilities issues. He has served on the Capital Facilities Appropriations Subcommittee for his entire 10-year term. Under his leadership, higher education has received \$480 million in capital projects. He has overseen or approved 47 building projects with state funds and dozens more with non-state funding. Those projects include: UVSC's Information Sciences Building, USU's Widsoe Hall, SUU's Physical Education Building, CEU's Main Building, WSU's new Davis Campus, the renovation of President's Circle on the University of Utah Campus, the renovation of the Noyes Building on the Snow College Campus, Dixie's Eccles-Graff Building, and SLCC's Jordan Campus. Commissioner Foxley thanked Representative Adair for always telling higher education what we needed to know. He is truly leaving a legacy in the entire System. Students today and in the future are indebted to him. The Commissioner presented a plaque to Representative Adair to recognize his service to higher education.

Representative Adair recalled that his wife had told him he was "not tough enough or man enough" to serve in the Legislature. When he was assigned to the Capital Facilities Appropriations Subcommittee, he was unaware of the process for funding state facilities. Although the first few years were hard, he said he hoped he had made a difference for future generations. Education is truly the economic generator for our whole society. He expressed his appreciation to be so honored by higher education.

Chair Johnson said both Representatives were irreplaceable. He asked everyone to join him in giving Representative Bradshaw and Representative Adair a standing ovation.

Committee of the Whole (continued)

The meeting reconvened at 1:45 p.m.

SLCC Metro Campus. In response to a previous request from Regent Jordan, Commissioner Foxley asked President Cundiff for a verbal report on Salt Lake Community College's downtown facility. President Cundiff said the College took possession of the facility in April. The grand opening was held on May 15. He thanked Commissioner Foxley and the Regents who attended for taking time from their busy schedules to be there. Already 75-80 students are enrolled for Summer Semester. The College had hosted five or six conferences in the past month. Some of the space has been rented to business partners. It is too early to know the overall success of the facility. Acceptance by local businesses has been good. Existing staff have been moved into the facility, which uses "voice-over IP" (wireless technology). President Cundiff invited the Regents to come tour the facility. Regent Norman asked what kind of classes were being offered at the Metro Campus.

President Cundiff responded that general education and computer classes were being taught there. The conference center is used during the day and classrooms are in use in the evening. The facility also has videoconferencing capability, which has generated additional interest.

General Consent Calendar

On motion from Vice Chair Atkinson and second from Regent Atkin, the following items were approved on the General Consent Calendar (Tab R and Supplement):

1. Minutes – Approval of the Minutes of the Regular Meeting of the Utah State Board of Regents held April 19, 2002, at the College of Eastern Utah in Price, Utah (Attachment 1)
2. Grant Proposals - Approval to submit the following proposals:
 - A. University of Utah – Lawrence Livermore Labs (Department of Energy); “C-SAFE;” \$24,500,000. David Pershing, Principal Investigator.
 - B. University of Utah – Public Health Service; “Renalchip: Multi-Analyte Device for Renal Management;” \$2,344,535. Joseph D. Andrade, Principal Investigator.
 - C. University of Utah – Public Health Service/National Institute of Drug Abuse; “NIDA Multi-Site Strengthening of Families Program;” \$4,561,134. Karol L. Kumpfer, Principal Investigator.
 - D. University of Utah – US Department of Energy/Morgantown Energy Tech; “Impact Resistant Polycrystalline Diamond Compact (PDC) for Drag Bits with Functionally Designed Microstructure;” \$2,297,935. Z. Zak Fang, Principal Investigator.
 - E. University of Utah – US Department of Energy; “Cen. High Energy Materials (Chem Cen). Chemical Probes of Bonding, Surface Molecules & Thermal Decomposition of Energetic Materials;” \$2,492,331. Ronald J. Pugmire, Principal Investigator.
 - F. University of Utah – Public Health Service/HRSA Bur Prim Health Care; “Cancer Treatment Equipment Grant;” \$2,953,462. Stephen M. Prescott, Principal Investigator.
 - G. Utah State University – U.S. Department of Education, Office of Special Education Programs; “Operate Regional Resource Center, Region #5, Utah State University;” \$1,178,133. John Copenhaver, Principal Investigator.
 - H. Utah State University – Pacific Northwest National Laboratories-Department of Energy; “Imager Surveillance and Inspection System;” \$2,482,831. Duane Hill, Principal Investigator.
 - I. Utah State University – Whatcom County; “Phase III Technical Studies for WRIA Watershed Management Project;” \$2,347,793.76. Thomas B. Hardy, Principal Investigator.
 - J. Utah Valley State College – FIPSE; “Teaching for Thinking – Philosophy in the Schools;” \$540,000.

- K. Utah Valley State College – FIPSE; “Ethics Across the Curriculum Evaluation Standardization;” \$720,000.
- L. Utah Valley State College – National Science Foundation; “Math and Science Partnership – Preproposal;” \$7,000,000.
- 3. Proposed Revisions to Policy R604, *New Century Scholarship*. The proposed changes to Policy R604 are to keep the System in compliance with changes legislation passed in the 2002 Legislative Session. (Attachment 2)
- 4. Proposed Policy R803, *Students and Employees Called to Active Military Service*. This puts into policy current practice providing for nondiscriminatory treatment of students and employees who are called to active duty military service. (Attachment 3)
- 5. Executive Session(s) — Approval to hold an executive session or sessions prior to or in connection with the meetings of the State Board of Regents to be held July 12, 2002, at Southern Utah University, to consider property transactions, personnel issues, litigation, and such other matters permitted by the Utah Open and Public Meetings Act

Report on May 22 Special Legislative Session

Chair Johnson reported that in the Special Legislative Session held on May 22, the Legislature had agreed to hold higher education harmless from additional budget cuts. Chair Johnson expressed the appreciation of the entire System for that agreement. Discussion was anticipated on HB331, *Nonresident Tuition for Higher Education*, but because of the further shortfall and deteriorating state financial conditions, that bill was not considered on May 22.

Another Special Session has been called for June 26 and July 8-9. This will be a particularly difficult session for everyone, including higher education. For those states which cut their education budgets significantly and cut their infrastructure budgets considerably, their economic future is grim. For those states who kept education mostly intact and kept building their infrastructure, their economic future is bright. That message is becoming harder and harder to give, however, because of the increasing budget deficits. Chair Johnson said there would likely be another Board of Regents meeting sometime during the Special Session.

Commissioner Foxley said she had sent a memo to the Presidents following conversations the Board Executive Committee and she had with the Governor’s Office and the Legislative Fiscal Analyst’s (LFA) Office. The current shortfall in the state has increased from \$155 million to \$173 million. We have been requested to prepare information for both of those offices as they prepare for the next Special Session. They have requested information at two levels of cuts – 4.75 percent and 9 percent (if public education is not included in additional budget reductions). A 4.75 percent reduction would be \$27,259,200, and a 9 percent reduction would be \$51,649,000. This is on top of the 2002 budget cuts and on top of 40 percent funding for enrollment growth. Both the Governor’s Office of Planning and Budget (GOPB) and the LFA have pledged to work with us. They realize it will take some time to identify areas of reduction. Possible ways were discussed of making additional cuts, such as freezing positions, increasing tuition, and requiring unpaid furloughs for state employees.

Commissioner Foxley said our recommendations should include the message that these cuts could be devastating, not just to institutions, but to the future economic health of the state. Public education is fulfilling their role of preparing students to continue on into higher education. Experts see no future downturn in enrollment or the population growth in Utah. In addition, we still have in-migration. Budget cuts are not just a problem for Utah; some other states have been hit even harder.

President Romesburg said with the existing 19.5 percent tuition increase for UVSC, students will be paying approximately 45 percent of the cost of their instruction, with the state paying 55 percent. At the same time, for every dollar of direct instructional cost reduction for UVSC, the College will lose the tuition at the rate of \$1.80 for every dollar. Capping enrollments begins a downward spiral that takes years from which to recover. Some institutions cannot survive on a cut of the 9.75 percent magnitude. In addition, the institutions will have to incorporate that reduced amount of funding for a few more years. To generate \$1.5 million, UVSC must eliminate 5-6 programs, 30-40 faculty, 200 students (and their tuition), and additional reductions such as across-the-board salary reductions. We cannot undermine higher education to this level. Otherwise, we will not recover for many years.

President Huddleston said the Regents had not yet explored the option of financial exigency. Were the Regents to declare a state of financial exigency, tenured faculty must receive six months' advance notice, and non-tenured faculty must receive three months' notice. Cuts cannot be made for next year's budget in time to give the required notice. Chair Johnson recommended that a one-page summary be prepared, outlining what would be entailed in declaring financial exigency. Regent Pitcher asked how long benefits would continue for tenured faculty whose positions were eliminated. President Huddleston replied that benefits would cease once an employee was terminated. Regent Pitcher recommended a thorough investigation of the policy.

Regent Burningham said public education had also been discussing budget reductions, although there has not been a recent meeting of the State Board of Education. Public education faces the same depth of problem as higher education. The school districts are already making extensive cuts because of increased growth. They are also planning to increase class sizes and close schools.

Regent Sweeten referred to the late Thayne Robson's report of the impacts of the budget cuts on education in this state. She requested that the one-page executive summary of the Robson report be shared with the State Board of Education, for discussions with legislators and the general public.

Regent Barrett asked about the impact of the financial cuts on the Utah College of Applied Technology. President Fitch said if UCAT shares the cuts at the same percentage as the rest of higher education, it would mean \$1.3 million (at 4.75 percent) or \$3.3 million (at 9 percent). None of the UCAT institutions will be able to keep all programs and staff intact.

Vice Chair Atkinson remarked that a bill is currently before the U.S. Senate to give relief to all of the states. If it passes and is signed by President Bush, it would bring \$40 million to Utah. She recommended that higher education officials speak with Senators Hatch and Bennett about the importance of this bill. It would greatly benefit this state in the areas of education and health and human services. Commissioner Foxley asked Associate Commissioner Buhler to get the details about the bill from Vice Chair Atkinson.

Commissioner Foxley said she had been asked recently by the Utah Strategic Planning Committee to make a report on critical issues for higher education. Copies of that report were in the Regents' folders. This

committee is co-chaired by Representative Afton Bradshaw and Senator Beverly Evans. The committee also brings in other legislators to look at state issues.

President Benson asked what other viable alternatives the Legislature was considering. Chair Johnson said the transportation fund receives \$140 million from the General Fund. Gasoline tax could be increased or projects could be cut back to free up a large amount of funding. President Benson recommended emphasizing alternatives which will not have as great an effect on education. President Thompson said the forecast is potentially much bleaker, considering the fact that in the last decade higher education's participation rate has slipped 16 percent because of the strong economy. In a difficult economy, more people return to school. A growth of 27 percent is already projected, and that figure could be doubled if the state's economic situation does not improve.

Vice Chair Atkinson pointed out that other state agencies and departments are also looking at massive budget cuts. Health and Human Services is anticipating the loss of several programs such as child welfare and HMOs for people in poverty. Health and Human Services advocates are already gathering data and presenting it to the legislators. She suggested that we find out what the other areas are doing and how higher education compares with the other departments. When tuition is increased to the point where we lose students, depriving people of the opportunity to better their lives, we need information about what happens in the other 14 departments of state government. Commissioner Foxley acknowledged that all agencies were struggling.

Ben Joe Markland, 2002-2003 Dixie College Student Body President, said the students understand that this is a hard time for education. They understand that some serious compromises must be made, and they strongly agree. He asked that students be included in the planning when tuition surcharges and other ideas are discussed. Students are supportive of what the Regents are doing, but would like a more direct voice in what is happening. Chair Johnson expressed the Board's appreciation for the involvement of Regent Norman and the other student leaders.

Report of the Commissioner

WICHE Report. Commissioner Foxley said George Mantes is the Regent WICHE Commissioner representing Utah. Senator David Gladwell is the Utah legislator serving on WICHE, along with Regent Mantes and Commissioner Foxley. The Western Interstate Commission for Higher Education is comprised of the 15 western states. At the last meeting, some helpful comparative information was presented. That information was in the Regents' folders. It will be helpful for additional planning discussions as a basis for comparison.

Master Plan 2002 Task Forces. Commissioner Foxley distributed lists showing the membership of the three new USHE task forces, which are Funding, Missions and Roles, and Student Success. These task forces will report back to the Board before the next Legislative Session. The Commissioner said she would let the Regents and Presidents know when these groups are scheduled to meet. All Regents and Presidents are invited to attend all meetings, not just those to which they have been assigned. Members of the Governor's Office, legislative staff and others may also be invited to join the task forces, as appropriate.

Proposed Revisions to Policy R120, *Bylaws of the State Board of Regents*

Chair Johnson said the proposed changes to the Bylaws included: (1) the creation of UCAT, (2) amendment to the Utah Open and Public Meetings Act which required changes regarding electronic meetings,

(3) the expansion of Board Special Committees from three to five, (4) election of the Board chair and vice chair in even-numbered years, (5) the name change of Dixie State College, (6) updating of antiquated language, and (7) revision of the make-up of the Executive Committee, which will now include the chair of the newly appointed standing committee. **Vice Chair Atkinson moved, seconded by Regent Pitcher, that the Bylaws be amended as proposed, with the addition of the fifth standing committee. The motion carried unanimously.**

Recognition of Regent John B. Norman, Jr.

Chair Johnson recognized John Norman as the outgoing Student Regent and commended him for his involvement from the beginning of his term. Commissioner Foxley commended Regent Norman for his extraordinary service and for his insight and candor in helping to keep the Board informed on issues relating to the students. She wished him well in his law career and presented him with a plaque in appreciation for his service on the Board of Regents.

Election of Chair and Vice Chair

Chair Johnson said being Chair of the Board of Regents had been his most enjoyable position in public service. He enjoyed working with and appreciated the relationships he had developed with other Regents, Presidents, Trustees and Commissioner's staff. He commended Commissioner Foxley for the tremendous working relationship they have enjoyed and expressed his admiration for her dedication. He also expressed his appreciation to the Presidents for the wonderful job they are doing. Without their leadership, he said, we would be in trouble. When the new President of Weber State University is named, eight of the ten USHE Presidents will have been appointed in the 4½ years since he was elected Board Chair. This speaks to the high caliber of Presidents Utah is fortunate to attract. Chair Johnson expressed his great respect for all of them.

Chair Johnson briefly reviewed the Board's accomplishments during his term as its chair. Some of the highlights included differentiating the institutions, attaining a greater degree of collaboration among USHE institutions, two-tiered tuition, a funding formula, the development of AdviseUtah, and encouraging more student activism. He repeated his appreciation to Regent Norman and the other student leaders. He encouraged the Regents to be more involved with the Legislature. Chair Johnson closed his remarks by saying he was looking forward to continuing to serve as a Regent.

Commissioner Foxley expressed her appreciation to Chair Johnson for his untiring and dedicated work as Chair. She presented him with an over-sized gavel. Chair Johnson accepted the gavel, saying he would "really, really cherish it."

Chair Johnson invited nominations for the position of Chair. Regent Hoggan nominated Regent Nolan Karras as Chair of the Board of Regents. The nomination was seconded by Regent Atkin. Hearing no more nominations, the Chair declared nominations closed. Vote was taken by a show of hands, and Regent Karras was unanimously elected Chair of the State Board of Regents.

Chair Johnson invited nominations for the position of Vice Chair. Regent Karras nominated Regent Pamela Atkinson. The nomination was seconded by Regent Hoggan. Hearing no further nominations, the Chair declared nominations closed. By a show of hands Regent Atkinson was unanimously re-elected Vice Chair of the State Board of Regents. Chair Johnson congratulated Chair Karras and Vice Chair Atkinson and asked them to make a few remarks.

Chair Karras said he had been touched by the students at Weber State University's commencement exercises and realized the responsibility which goes with the Board chairmanship. As a legislator, he said he had "all the answers going in and all the questions going out." As a Regent, he said he didn't even know the questions. He pledged to help make this System work. He commended Chair Johnson and said he looked forward to Vice Chair Atkinson's continued involvement. Chair Karras committed to be open to suggestions from the other Regents and the Presidents and to make time available to meet with them whenever possible.

Chair Karras said he hoped to be direct and fair. He warned the Regents and Presidents that he would ask tough questions because the Regents need to be seen as asking tough questions to regain credibility. He said he was a long-range planner and urged the Regents to look at the long-range impacts of the decisions being made. He commended the Presidents and expressed his respect and appreciation for them. Under his chairmanship, he promised that students would continue to be the Regents' first priority. Although these are difficult times, the public supports education. He said he was looking forward to working with the Regents as their Chair.

Vice Chair Atkinson said she was appreciative and honored to be re-elected to this position. She said she was proud to serve on the Board of Regents and looked forward to working with Chair Karras. She commended the increasing focus on the students. Higher education's customers are the Presidents, faculty, staff and students. We all want to help the students succeed. Utah's colleges and universities produce some of the best graduates in the country, and our state is better off because of higher education than many states.

Chair Johnson pledged his support and that of the entire Board to Chair Karras and Vice Chair Atkinson.

Adjournment

Chair Johnson thanked President Thompson and his staff for their gracious hospitality. He said he had particularly appreciated the excellent signage. The meeting was adjourned at 3:00 p.m.

Joyce Cottrell CPS
Executive Secretary

Date Approved