

**MINUTES OF MEETING
UTAH STATE BOARD OF REGENTS
BOARD OF REGENTS OFFICES
SALT LAKE CITY, UTAH
NOVEMBER 12, 1996**

Board Members Present

Kenneth G. Anderton, Chair
Pamela J. Atkinson
Aileen H. Clyde, Vice Chair
Douglas S. Foxley
W. Brett Graham
David J. Grant
Larzette G. Hale
L. Brent Hoggan
Karen H. Huntsman
Evelyn B. Lee
Clifford S. LeFevre
Paul S. Rogers
Jay B. Taggart
Dale O Zabriskie

Board Members Excused

Ian M. Cumming
John B. Goddard

Office of the Commissioner

Cecelia H. Foxley, Commissioner
Don A. Carpenter, Associate Commissioner for Planning and Facilities
Dale C. Hatch, Associate Commissioner for Budget and Finance
E. Jeffery Livingston, Associate Commissioner for Technology
Michael A. Petersen, Associate Commissioner for Academic Affairs
Joyce Cottrell CPS, Executive Secretary
Patricia S. Crane, Assistant Commissioner for Government/Media Relations
Harden R. Eyring, Executive Assistant
Lou Jean Flint, Academic Affairs Officer
Jerry H. Fullmer, Director of Information Technology
Jeffrey Hoyt, Research Analyst
Max S. Lowe, Assistant Commissioner for Applied Technology Education
Beth Ann Petrakis, Applied Technology Education Specialist
Whitney J. Pugh, Budget Analyst
Phyllis C. Safman, Assistant Commissioner for Academic Affairs
Norman C. Tarbox, Assistant Commissioner for Student Financial Aid

INSTITUTIONAL REPRESENTATIVES

University of Utah

Arthur K. Smith, President
Jerilyn McIntyre, Vice President for Academic Affairs
Anthony W. Morgan, Vice President for Budget and Planning
Tom Nycum, Vice President for Administrative Services
Raymond A. Haeckel, Executive Director, Government and Community Relations
Lucy Osborn, Associate Vice President, Health Sciences
Randy Turpin, Assistant Vice President for Administrative Services
Olga Nadeau, Director, Disabled Student Services
Michael Magill, Professor, Family and Clinical Medicine
Craig Merry, Presidential Intern

Utah State University

George H. Emert, President

G. Jay Gogue, Provost
Fred R. Hunsaker, Vice President for Administrative Affairs
Lee H. Burke, Assistant to the President for Government Relations
Richard W. Jacobs, Director, Budget Office
C. Blythe Ahlstrom, Assistant Provost
Lynn J. Poulsen, Acting Vice President for Student Services
Diane Craig Baum, Director, Disability Resource Center
Andrew Croshaw, Student Body President

Weber State University

Paul H. Thompson, President
David L. Eisler, Provost
Marie L. Kotter, Vice President for Student Services
Allen F. Simkins, Vice President for Administrative Services
Craig S. Hall, Associate Vice President for Facilities Services
Carol V. Gaskill, Director of Budget and Institutional Research

Southern Utah University

Gerald R. Sherratt, President
Sterling R. Church, Vice President for Student Services
Michael Richards, Vice President for University Affairs
Gregory L. Stauffer, Vice President for Finance

Snow College

Gerald J. Day, President

Dixie College

Robert C. Huddleston, President
Max H. Rose, Academic Vice President
Stanley J. Plewe, Vice President for Administration and Information Technology
Roland B. Woolley, Consultant
William D. Fowler, Dean of Students
A. Scott Talbot, Executive Director, Business Affairs
Randy H. Lovell, Executive Director, Dixie Center
Laura Lewis, Financial Advisor, Dixie Center

College of Eastern Utah

Grace S. Jones, President
Brent Haddock, Academic Vice President
Raelene Allred, Vice President for Finance
Karen K. Bliss, Dean of Institutional Advancement
Gail Glover, Dean of Administrative Services, San Juan Center

Utah Valley State College

Kerry D. Romesburg, President
Lucille T. Stoddard, Vice President for Academic Affairs
Gilbert E. Cook, Vice President for College Relations and Campus Support
Ryan L. Thomas, Vice President for Student Services and Campus Computing
Douglas E. Warner, Executive Director, Budgets and Management Studies
Linda L. Makin, Director of Budgets
Phil L. Clegg, Student Body President

Salt Lake Community College

Frank W. Budd, President
Marjorie Carson, Vice President of Academic Services
Richard Rhodes, Vice President of Business Services

Judd D. Morgan, Vice President of Student Services
Rand Johnson, Assistant to the President
Ken Orgill, Director of Information Technology
Dana Van Dyke, Budget Director
Chesley Barnes, Student Body President

Others Present

Corrine Hill, Governor's Office
Bradley A. Winn, Governor's Office of Planning and Budget
Thomas C. Anderson, Office of the Attorney General
Stan Eckersley, Office of the Legislative Fiscal Analyst
Gar Elison, Health Policy Commission
Deborah Turner, AHEC Robert Moore, Utah Association of Academic Professionals
Jeffrey Casper, Utah Council of Student Body Presidents

Representatives of the Media

Brent Israelsen, *Salt Lake Tribune*
Pat Bean, *Ogden Standard Examiner*
Marcus Ortiz, KUTV-2
Joe Costanzo, *Deseret News*
Rick Lindsey, KSL Radio
Alan Neves, KSL
Nadine Wimmer, KSL
Tom Hanson, KSTU T
Todd Ackerman, *Houston Chronicle*

Chair Kenneth G. Anderton called the meeting to order at 2:54 p.m. He expressed his appreciation to everyone associated with higher education for their contributions to this important work.

Report of the Commissioner

Commissioner Foxley reported the death of Peter Billings, one of the founding Regents. Mr. Billings was involved in the legislation which established the State Board of Regents. Regent Hoggan moved to adopt a resolution in Mr. Billings' memory, which was prepared by the Commissioner's staff. Regent LeFevre seconded the motion, and it was passed unanimously.

The Commissioner pointed out the items on student financial aid which were in the folders. She stressed the need to make sure there is adequate financial aid for those students who could not otherwise attend our institutions and encouraged the Regents to read this material at their leisure. The Utah Educational Savings Plan Trust allows taxpayers to save money, exempt from state taxes, of up to \$1200 per individual student.

The Regents' folders also contained several articles regarding President Sherratt's notice of retirement. Commissioner Foxley indicated that after almost 15 years of outstanding leadership as President of SUU, Jerry Sherratt will be very difficult to replace. The search committee was announced; a list of its members was provided in the folders and is included with the official copy of these minutes.

Because the Browning Center will be closed for a while for remodeling, Weber State University will be having a winter commencement on December 6, in addition to their regular summer commencement. Regent Taggart will be the featured speaker. The Regents were all invited to attend. President Thompson said the University will have two commencements per year for two years, then evaluate the results.

Commissioner Foxley pointed out Utah State University's Student Library Volunteer Program Resolution, which was also provided in the Regents' folders. President Emert praised the students for their efforts on this project.

Dr. Foxley thanked everyone for their efforts on behalf of Proposition 6 in the recent election. She gave special

recognition to Patricia Crane, Assistant Commissioner for Government and Media Relations, for her many hours of work on this important effort. Regent Foxley expressed his appreciation for the role the Utah Education Association played in supporting Proposition 6. He asked that the appreciation of the Regents be conveyed to them and to the Utah Partnership. Commissioner Foxley also thanked Regent Zabriskie for his work behind the scenes and in representing the Board of Regents at the Governor's Press Conference on Propositions 4, 5 and 6.

Medical Education Council Report

Commissioner Foxley introduced special guests Lucy Osborne and Gar Elison and directed attention to Tab X of the agenda. Dr. Osborne explained the need for the council. Funding for graduate medical education traditionally comes from hospitals, but those funds have been depleted. Medicare and Medicaid funds go to insurance companies, rather than being pulled out for graduate education. The plan is to make Utah a demonstration project, separating graduate education funds from hospitals and putting them into a central pool to fund programs. The Council would also deal with Medicare, Medicaid and insurance providers. This plan would preserve funding of graduate medical education and allow the state to preserve the workforce and balance within the medical specialties. The Council will not deal with accreditation or curriculum, but solely with financing mechanisms. Mr. Elison said there was no overlap with the State Board of Regents. This plan would not interfere with any statutory responsibilities of the Board. A bill is being prepared for submission to the next Legislative session. Dr. Osborne and Mr. Elison responded to questions from the Board. Regent Rogers asked that this be monitored closely and the Board made aware of future developments. Regent Hoggan moved approval of the Medical Education Council. Following a second by Regent Atkinson, the motion was unanimously approved. Chair Anderton thanked Dr. Osborne and Mr. Elison for their participation and wished them good luck in this endeavor. Commissioner Foxley added her thanks, and expressed her appreciation to President Smith for his support.

Reports of Board Committees

Program and Planning Committee

Utah State University — Master of Business Administration Degree Program in Taipei, Taiwan. Committee Chair LeFevre explained that this program had previously been approved for delivery in Hong Kong (see Agenda Tab A). The committee recommended approval, which he so moved, seconded by Regent Atkinson. The ensuing vote was unanimous in the affirmative.

Dixie College — Associate of Applied Science Degree in Paramedic Training. This program (found in Agenda Tab B) was discussed at length in committee. The committee felt that many questions were still unanswered, and Chair LeFevre moved that this request be held as a non-action item until all these issues are satisfactorily resolved. Following a second by Regent Clyde, approval was unanimous.

Dixie College — Associate Degree Nursing Program. Chair LeFevre said this issue (Tab C) had also been discussed at length in committee. He moved that this request be held at non-action status until the many questions surrounding it were resolved. At the committee's recommendation, he further moved that Dixie College, Southern Utah University and Weber State University be involved collaboratively in resolving issues and making recommendations. The motion was seconded by Regent Atkinson and approved unanimously.

Update on General Education Revisions Related to Semester Conversion. Chair Anderton asked Associate Commissioner Petersen to discuss the positive happenings on the semester conversion. Dr. Petersen referred to Attachment B of Agenda Tab D, Proposed Policy R476: General Education. The major focus of this policy is on the transfer student. The faculty of the various schools have already completed excellent work on preparing for the conversion, but there is still much to be done. By the January meeting of the Board, the committee hopes to bring this policy back to the Regents as an action item. Chair Anderton expressed the Board's appreciation to Associate Commissioner Petersen, the committee and faculty who have worked so hard on this process. Regent Zabriskie pointed out that the conversion is being accepted very well by faculty on all campuses. He recommended that we do a better job of telling this story and urged the presidents to let the media know of the cooperative nature of the faculty in working together to make this conversion happen. Chair LeFevre urged the Regents to study this report and make any recommendations to Associate Commissioner Petersen.

Programs Approved and Discontinued by the State Board of Regents, 1990-1996. This information (Tab E) was provided at the Board's request. It required no action.

SBE-SBR Joint Liaison Committee Meeting Minutes, October 7, 1996. Chair LeFevre reminded Board members that items discussed in the Joint Liaison Committee come to the Board for acceptance or rejection, not just for information. He moved that this be approved as an action item. Regent Atkinson seconded the motion. Chair LeFevre asked Regent Lee to comment. Regent Lee spoke on the update of the public education and higher education ATC and ATCSR governance policies. She said these are particularly important areas of governance of which the Board is not automatically aware. Regent Lee commended Assistant Commissioner Lowe and his staff and Associate Superintendent Brems and his staff for their long, strenuous hours in rewriting this language for compatibility and agreement to both systems. The JLC hopes to have copies of both policies included with the next Board agenda. This is one of the most significant achievements since the Task Force for Strategic Planning was formed. The motion to approve the minutes as an action item passed. Chair LeFevre then moved acceptance of the minutes, seconded by Regent Clyde. The motion passed unanimously.

Consent Calendar, Program and Planning Committee. Upon motion by Chair LeFevre and second by Regent Zabriskie, the Board approved the following items:

- a. Utah State University — Eliminate the Plants Science Minor and add Minors in Crop Biotechnology and Horticulture.
- b. Salt Lake Community College — Rename the Graphic Design Department to the Visual Art and Design Department.
- c. Salt Lake Community College — Rename the Computer Graphics Specialization to the Multimedia Specialization in the Associate of Applied Science Degree Program in Visual Art and Design

Discussion of Possible Revisions to R481, Academic Freedom, Professional Responsibility and Tenure, to Provide for Post-Tenure Review of Faculty Members. Regent Zabriskie moved to add this item to the agenda. Regent Atkinson seconded the motion, which was approved. Associate Commissioner Petersen explained that the Legislative Executive Appropriations Committee had requested information on tenure. The Legislative Fiscal Analyst's office discussed the question of tenure with some of the presidents and several of the Regents. Two major issues arose. The first dealt with the question of post-tenure review. The Northwest Association of Schools and Colleges requires that post-tenure reviews be conducted for all tenured faculty. Leo Memmott felt that policy R481 did not adequately allow for this review. Institutional policies may also need to be modified. The draft policy distributed to those present was developed for further review at the institutional level. Commissioner Foxley said she would be receiving a letter from the Legislative Fiscal Analyst asking that this procedure be revised. She expressed appreciation to Mr. Memmott for his offer to have her provide a written response. She said there is time for discussion on all the campuses so that institutional policies can fit within a system policy. She expressed appreciation for the cooperation she and her staff had received from the Analyst's office and the presidents. Regent Foxley recommended that this be discussed in WICHE meetings. He further requested information from the Commissioner on SHEEO discussions on this topic. Chair Anderton said this is typical of the accountability we are being asked for, and it is appropriate that we strengthen our policy.

Chair Anderton thanked Regent LeFevre for his and the committee's good work.

Finance and Facilities Committee

USHE Tuition Increase Recommendations. Regent Hoggan said the committee had had a lively discussion on the issue of tuition. The Commissioner's recommendation (Tab H, distributed at the meeting) was for a 2% increase in tuition at the University of Utah and Utah State University and no increase at the other institutions, and that the 2% increase be devoted to library funding. Regent Hogan moved approval of the Commissioner's recommendation. Regent Foxley seconded the motion. Commissioner Foxley said raising tuition in a manner other than a consistent percentage across the board raises many questions. The Legislative Fiscal Analyst's report of last month recommended that tuition at the community colleges be brought in line with other community colleges across the nation. The recommendation for a 2%

increase at the research institutions, with those monies staying at the institutions to benefit their libraries, helps achieve equity on a short-term basis. There are concerns that a decline in enrollments at the University of Utah may be accelerated by an increase in tuition. The proposed difference in tuition at the University of Utah and Utah State University would be \$41 and \$34, respectively. Commissioner Foxley said she and her staff had considered the option of a greater increase at the research universities and smaller increases at the other institutions, as presented in the Regents' September agenda. However, it is thought that the more tuition money raised, the greater the possibility that a portion of the tuition would go toward compensation rather than libraries.

Regent Grant offered a substitute motion that this increase be done as a fee rather than a tuition increase so the Board can be certain the money will go to the institutions and be used only for libraries. Regent Atkinson seconded the substitute motion. Commissioner Foxley reminded the Board the Legislature determines how tuition monies are used, and the Board determines fees separate from the legislative process. President Emert said imposing a fee would not make progress on the tuition being leveled. Some of the institutions already have library fees. There is a process on all campuses where fees are determined in consultation with the students. He encouraged the Board not to use the fee approach.

Responding to Regent Atkinson's concern that no one be deprived of going to the University of Utah because of an increase in fees, President Smith said the University had responded to the urging of this Board and the State Legislature to become more selective in its admissions, which increased enrollments at SLCC by about three to five thousand students. The University has also worked hard to shorten its graduation time. This has succeeded but has also cost enrollments. Chair Anderton pointed out that this was also the year of the "kindergarten blip;" enrollments this year are down about 2000 students. Next year enrollments are expected to increase by approximately 3500 students as a result.

Regent Graham said a \$41 increase may not change the headcount, but will most probably cause a decline in FTE because students may not be able to take as many hours. Also, the cost of an education at a Research I university and a community college is quite different, as is the cost between an upper and lower division class. Commissioner Foxley invited Regents Grant and Graham to join the Tuition and Fees Subcommittee to address this issue.

President Smith said he supported the Commissioner's recommendation of a 2% increase in tuition at the University, to be earmarked for libraries. He expressed concern about the Fiscal Analyst's approach, which is to use a portion of the tuition increases to offset compensation increases. He said state government has not funded non-personnel costs of instruction for 11 years. He reminded the Board that Regent policy says University students should be paying 33% of the cost of their education; now they are paying over 40%. Vote was taken on the substitute motion, which was defeated.

Regent Atkinson requested that the wording on the Commissioner's recommendation be changed to mandate that this increase go to libraries. Chair Anderton said last year we held the line on tuition because students were being asked to pay more than their fair share. He agreed that we need to make certain this increase is tied to libraries so it does not dilute our conviction that the students of this state are exceeding their fair share of their education, and that some students are being deprived of an education because they cannot afford it.

Regent Graham asked Jeff Casper and Phil Clegg to address this issue. Mr. Casper said the students are not opposed to paying for their education, but they want to be sure they are getting the quality they are paying for. In response to Regent Zabriskie's question about his preference for a \$41 library fee, Mr. Casper said he felt that students would be more favorable to the fee. Mr. Clegg said this proposal sets a dangerous precedent because the monies would go back to the two institutions only, rather than being divided among all nine.

Vote was taken on the original motion. It passed, with Regent Grant dissenting. Regent Zabriskie requested that any issues which are this controversial come directly to the Committee of the Whole in the future, rather than going to one of the committees.

1997-98 Operating Budget and One-Time Request Recommendations. Commissioner Foxley explained the differences between the preliminary budget request and the one distributed at the meeting. The request represents an increase of \$2 million. The enrollment projections on the preliminary budget were too low; following receipt of the third week enrollment reports they have been increased. She explained the budget request, referring to pages 6 and 7 (Tab I). A portion of "Institutional Priorities I" is for library needs, as well as the "Maintenance of Library" request, totaling

approximately \$3 million. Regent Atkinson asked if the ADA request was sufficient to bring the institutions within compliance. Commissioner Foxley responded that there was still about \$3 million of unmet need, but that the requested amount had been increased from \$250,000 to \$500,000. Chair Hoggan moved approval of the budget request. Following a second by Regent Hale, the motion was approved unanimously.

Annual Report on Leased Space. Pointing out that this was an annual report to the Board (see Tab J), Chair Hoggan moved its approval. Regent Foxley seconded the motion, which carried unanimously.

University of Utah — Approving Resolution, Huntsman Cancer Institute Project. Chair Hoggan stated that this project had been discussed at length in the last Board meeting. The committee recommended approval, and he so moved. The motion was seconded by Regent Foxley and was adopted by the following vote:

YEA: Kenneth G. Anderton, Chair NAY: (None)
Aileen H. Clyde, Vice Chair
Pamela J. Atkinson
Douglas S. Foxley
W. Brett Graham
David J. Grant
Larzette G. Hale
L. Brent Hoggan
Karen H. Huntsman
Evelyn B. Lee
Clifford S. LeFevre
Paul S. Rogers
Jay B. Taggart
Dale O Zabriskie

Southern Utah University — Property Sale and Property Purchase. Chair Hoggan said the University had requested approval to sell the property known as "Highland Lot 1" at the appraisal rate of \$13,300 or greater. The Burch Mann Property has had two appraisals, which came in at \$137,500 and \$149,000. The seller is willing to sell the property for \$135,000. Institutional funds would be used. Stating that the committee had recommended approval of both items, Chair Hoggan so moved. Following a second by Regent Foxley, the motion was approved unanimously.

Dixie College — Lease Purchase of Dixie Center. Chair Hoggan said the committee had recommended that the college be authorized to enter into the lease with two additional ten-year options (see Tab M) with the lease money being applied to the purchase price. He moved approval of the lease purchase. Regent Taggart seconded the motion, which received unanimous approval.

College of Eastern Utah — Price and San Juan Campus Master Plans. Chair Hoggan said there had been a minor modification to the Price Campus master plan (Tab N) since it was last approved. A parking area across the street from 400 North and 300 East has become available, and the college hopes to purchase it when funds become available. President Jones asked Karen Bliss and Gail Glover to give a brief overview of the Price and San Juan campuses, respectively. Chair Hoggan moved approval of the CEU Price Campus master plan, with the CEU San Juan Campus master plan to be further refined and brought back to the Board for approval at a future date. Regent Huntsman seconded the motion, which passed unanimously.

Non-State Funded Capital Facilities Projects. Three projects were described in Tab O. Chair Hoggan asked Vice President Thomas Nycum to explain the University of Utah Gymnastics Facility, Dr. James Parkin to explain the University of Utah Health Sciences Laboratory Building, and President Romesburg to explain the UVSC Student Services Addition and respond to questions. Following those individual presentations, Chair Hoggan moved approval of the Commissioner's recommendation, with the following amendment: Due to clarification on the instructional/educational use of the space, the full annual O&M cost of \$82,152 was recommended for the UofU Gymnastics Facility. The UofU Health Sciences Lab was approved with \$269,100 annual O&M, and the UVSC Student Services Addition with \$194,038 O&M, or 50 percent of the annual cost. Regent Atkinson seconded the motion, which was approved unanimously.

Student Financial Aid — Technical Amendments to Utah Code, Title 53B, Chapter 8a, Higher Education Savings Incentive Program. Tab P explained the amendments which were necessary to clarify current ambiguities in the law and to comply with the federal law impacting state-sponsored college savings programs. Chair Hoggan moved approval of these amendments, subject to approval of the Attorney General's office. Regent Huntsman seconded the motion, which passed unanimously.

Student Financial Aid — Appointment of Members, Student Finance Subcommittee. Chair Hoggan said all members shown in the Commissioner's letter behind Tab Q had been contacted and had expressed their willingness to serve. He moved that the following people be appointed to the Subcommittee for 1997: Regent Douglas S. Foxley, Regent John B. Goddard (Chair), Regent Evelyn B. Lee, Mr. Edward T. Alter, Dr. Stephen S. Nadauld, Mr. Walter P. Gnemi, Mr. Fred R. Hunsaker, and Mr. Jeff Casper. Regent Huntsman seconded the motion. The ensuing vote was unanimous in the affirmative.

Student Financial Aid — Appointment of Members, UHEAA Board of Directors. All members of the Board, shown in the Commissioner's letter of Tab R, had been contacted and had indicated they were willing to continue to serve on the UHEAA Board. Chair Hoggan moved approval of continued appointments for Dr. Erlund Peterson and Mr. Thomas Nycum for two-year terms and Mr. Craig Rees for a one-year term, beginning January 1 and ending December 31, 1997. The motion was seconded by Regent Atkinson and passed unanimously.

Student Financial Aid — Semiannual Determination of Secondary Market Loan Purchase Premium Schedule. Chair Hoggan said this present premium schedule had worked well in the past, and the committee had recommended that it be retained. He moved approval of its continuance, seconded by Regent Clyde. The motion passed unanimously.

Chair Hoggan said the information behind Tab T, 1996 Summer and Fall Enrollment Reports, and Tab U, State Building Board Recommendations for FY 1997-98, were for information only and required no action.

Report of the Audit Review Subcommittee. Chair Hoggan pointed out that this item required Board approval. He so moved, seconded by Regent Huntsman. The motion passed unanimously.

Consent Calendar, Finance and Facilities Committee. Upon motion by Chair Hoggan and second by Regent Hale, the Board approved the following items:

- a. OCHE Investment Report
- b. OCHE Discretionary Funds Report
- c. UofU and USU Capital Facilities Delegation Report

Chair Anderton thanked Regent Hoggan for his good work in chairing this committee in Regent Goddard's absence.

General Consent Calendar

Upon motion by Regent Hoggan and a second by Regent Clyde, the Board approved the following items:

Minutes

- a. Approval of the Minutes of the Regular Meeting of the Utah State Board of Regents held September 12, 1996, at the University of Utah

Grant Proposals - Approval to submit the following proposals:

- a. University of Utah — Diet, Activity and Reproduction as Risks for Rectal Cancer. U.S. Public Health Service, \$1,205,280. Martha L. Slattery, Principal Investigator.
- b. University of Utah — Utah Autism Project. U.S. Public Health Service, \$1,129,683. Warren P. Reed, Principal Investigator.

c. Utah State University — Detection of Viable Microbes on Surfaces. U.S. Department of Defense, \$2,665,275. Linda S. Powers, Principal Investigator.

Executive Session(s) — Approval to hold an executive session or sessions in connection with the meeting of the State Board of Regents to be held December 13, 1996, to consider property transactions, personnel performance evaluations, litigation, and such other matters permitted by the Utah Open and Public Meetings Act.

The meeting adjourned at 4:30 p.m.

Joyce Cottrell CPS
Secretary to the Board of Regents