

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

**DECEMBER 13, 1996**

Board Members Present

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

Board Members Excused

Aileen H. Clyde, Vice  
Chair  
Ian M. Cumming

Board Members Absent

Paul S. Rogers

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  
Chalmers Gail Norris, Associate Commissioner for Student Financial Aid  
Michael A. Petersen, Associate Commissioner for Academic Affairs  
Philip V. Bernal, Assistant Commissioner for Student and Minority Affairs  
Joyce Cottrell CPS, Executive Secretary  
Patricia S. Crane, Assistant Commissioner for Government/Media Relations  
Richard O. Davis, Assistant Commissioner for Student Loan Finance  
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  
Norman C. Tarbox, Assistant Commissioner for Student Financial Aid

INSTITUTIONAL REPRESENTATIVES

University of Utah

Arthur K. Smith, President  
Jerilyn S. McIntyre, Vice President for Academic Affairs  
Raymond A. Haeckel, Director of Government and Community Relations

Utah State University

George H. Emert, President  
Fred R. Hunsaker, Vice President for Administrative Affairs

Weber State University

Paul H. Thompson, President  
Allen F. Simkins, Vice President for Administrative Services

### 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  
A. Scott Talbot, Executive Director, Business Affairs

### College of Eastern Utah

Grace S. Jones, President  
Raelene Allred, Vice President for Finance  
Gail Glover, Dean of Administrative Services, San Juan Center

### Utah Valley State College

Kerry D. Romesburg, President  
Douglas E. Warner, Executive Director, Budgets and Management Studies

### Salt Lake Community College

Frank W. Budd, President  
Marjorie Carson, Vice President of Academic Services  
Richard Rhodes, Vice President of Business Services  
J. Gordon Storrs, Master Planning Coordinator  
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  
Carl Empey, First Security Bank  
Diana Loutensock, Utah Education Savings Plan Trust  
Blake K. Wade, Ballard Spahr  
Paul Wozniak, PaineWebber Incorporated  
Brent Israelsen, *Salt Lake Tribune*

### Report of the Chair

Chair Kenneth G. Anderton called the meeting to order at 10:05 a.m. He welcomed everyone, commented on the beautiful winter day, and said he anticipated that the meeting would be brief. Chair Anderton acknowledged Regent Taggart, who delivered the commencement address at Weber State University's winter graduation. He excused Regents Clyde and Cumming; Regent Cumming was out of town, and Regent Clyde broke her wrist last week, requiring surgery. Chair Anderton said Regent Clyde hoped to be present later in the meeting. He expressed sympathy on behalf of the Board to Regent Zabriskie on the recent death of his father-in-law, and to Assistant Commissioner Max Lowe on the death of his mother-in-law.

Chair Anderton recognized Dr. Corinne Hill, Governor Leavitt's Deputy for Education, who will be retiring at the end of the 1997 Legislative Session. He expressed the Board's appreciation for her contributions and the working relationship they have had with her. Dr. Hill responded that it had been her pleasure to work with the Governor and the two education systems, and that it had been a great learning experience. She said Utah was fortunate to have Governor Leavitt as its education governor. Chair Anderton said at its January meeting, the Board will discuss whether or not to release names of presidential finalists.

## *Report of the Commissioner*

Commissioner Foxley said there was information in the Regents' folders on the Governor's budget, as well as copies of the article in the morning *Tribune*. She expressed appreciation to Brent Israelsen for his objective reporting on the Governor's higher education recommendations. She went on to say that the state has experienced \$275 million in tax cuts. This would, of course, impact how state programs are funded. A commitment of \$80 million in sales taxes has been made to help fund transportation. The budget also contains approximately \$100 million of ongoing funds to replace one-time money which has been used to fund ongoing programs. The Governor had to work within these constraints. The Commissioner expressed appreciation to the Governor and his staff for taking into consideration the Regents' priorities and recommendations. She expressed appreciation to Dr. Brad Winn, who will have copies of the full manuscript of the Governor's budget recommendations later in the day for the Presidents.

Governor Leavitt had explained the previous day that two major thrusts were uppermost on his mind: protecting education, both higher and public education, and fighting crime. The Governor's budget is very conservative. The higher education budget will be increased by only approximately 2½ percent. The Commissioner said the budget does not totally fund higher education's needs. As the Governor and Legislature grapple with how to fund transportation, we hope it is possible to increase the financial commitment to higher education.

Commissioner Foxley suggested that a letter be signed by each member of the Board and sent to the Governor and Legislative Leadership supporting an increase in gasoline tax and also encouraging an evaluation of additional tax increases to fund education. She asked Chair Anderton if he would like to comment.

Chair Anderton said we all recognize the need for transportation, prisons and human service needs. We must not forget, however, that we need engineers to design and supervise the building of those highways. We need people who are prepared by appropriate training and education to be in charge of our prisons. He said it is ironic that the best success in avoiding repeat offenders is to provide education within those prison walls. Education is the human resource which makes all these other things possible. Chair Anderton supported the Commissioner's idea to send a letter to the Governor and Legislative leadership. Regent Foxley moved, seconded by Regent Zabriskie, to send a letter which would encourage a gasoline tax to alleviate some of the demand on the general fund. The ensuing vote carried unanimously.

Regent Foxley said he appreciated the comments of the Chair and Commissioner. Part of the reason we have the overwhelming transportation needs is because the state has not set aside the money for maintenance of those freeways. Likewise, the money is not being put into higher education for required maintenance. Capital facilities are grossly underfunded. We will have to expend much more in the future to take care of those unmet needs. Many things are not being funded because we cannot show visual crumbling of the buildings. The cost to make up for this lack in the future will be far greater than the funds we are requesting now. Regent Foxley said we cannot continue to be underfunded and still continue to maintain our buildings. Regent Grant agreed that we are investing in remedies rather than in prevention.

Regent Taggart asked if we should be telling the Governor and the Legislature how to raise the money for transportation. Regent Foxley said a gasoline tax in and of itself would not cover the needs of the transportation system. In order to preserve resources, it is incumbent upon the Board to get as much money as possible through the users to allow the other monies to be used for higher education and other priorities. Higher education is doing itself a disservice if we do not say that we want these funds to continue to be used for higher education, with user taxes helping to pay for transportation. Regent Atkinson said people do not make the connection between lack of higher education funds and lack of skilled people in the work force.

Southern Utah University — Science Lab Addition (Non-State-Funded Project). President Sherratt explained that SUU expects to receive \$1 million in gifts to construct a new Science Building Laboratory Addition (see Agenda Tab A). Approximately \$30,000 in state funds would be required for operation and maintenance of the new facility. Regent Grant moved that the project be authorized, pending receipt of the funds. Regent Atkinson seconded the motion. The motion was approved unanimously.

Salt Lake Community College — South City Campus Property Purchase. President Budd asked Vice President Rhodes to explain this request (Agenda Tab B). The property is located in the area of the South City Campus. This is the third house in a cluster; purchase of the other two houses was approved earlier. Purchase of this property would allow for future expansion of the campus. Two appraisals have been done, for \$88,000 and \$95,000, respectively. The original asking price was \$102,000. The college has negotiated for purchase at the midpoint of \$91,500. Purchase of this property is consistent with the long-range master plan. No O&M money will be requested. The house will be torn down to allow for additional parking and landscaping. Regent Zabriskie moved approval of the purchase, seconded by Regent Foxley. The motion was approved unanimously.

Approving Resolution, Student Loan Program, 1997 Bonds. Regent Goddard referred to Agenda Tab C and reported that this had been requested by the Student Finance Subcommittee to accommodate student loan purchases anticipated for the coming year in an amount not to exceed \$55 million. This was the ninth supplement of a 1988 bond issue and would follow the same format as in past bond issuances. He said we have been very successful in the past in issuing variable rate student bonds. After explaining the specific details, Regent Goddard moved approval of this resolution. Regent Hoggan seconded the motion. Paul Wozniak of PaineWebber Incorporated said the low rates were an expression of the high quality of the program. Regent Grant commended Associate Commissioner Norris and Assistant Commissioner Davis for their work on this project. The motion was adopted by the following vote:

YEA: Kenneth G. Anderton, 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

NAY: (None)

Student Financial Aid — Loan Purchase Program Transfer to Utah Educational Savings Plan Trust. Regent Goddard said the Student Finance Subcommittee was requesting approval of the transfer of \$100,000 from the unrestricted reserve fund for an endowment fund of the new Savings Plan Trust (see Agenda Tab D). This would provide reasonable added incentives for initial investors. The amount may be increased at a future date. Regent Hoggan moved approval of this transfer. The motion was seconded by Regent LeFevre and approved unanimously by the Board. An ongoing enrollment campaign will be planned the first of the year. Regent Zabriskie recommended a letter to CPAs and financial planners. Chair Anderton agreed that these were good points.

SBE-SBR Joint Liaison Committee Meeting, November 18, 1996. Regent LeFevre said important issues were covered at the JLC meetings of which the Board needs to be made aware. He referred to Agenda Tab E and asked Assistant Commissioner Lowe to elaborate. Dr. Lowe said the Legislature is going forward to support an expanded role process for the Joint Liaison Committee, to clarify that role in areas of mutual concern such as teacher education and concurrent enrollment. There is a general feeling that as issues have arisen in the past between the two systems, this forum has worked well. The Legislators are likely to support this process. The budget was discussed. The JLC is looking at ways to coordinate programs in Applied Technology Education (ATE). The committee is looking at ways to make this more organized and to provide for input from both systems. One of the state senators was in favor of reducing tuition in ATE. The committee will look into it. Regent Foxley said he appreciated the attempt to continue to fortify the roles of this entity. However, he was uncomfortable not knowing exactly what legislation would be proposed. Commissioner Foxley said the initial draft was much more detailed and prescriptive. With feedback from the Superintendent and Commissioner, the language is more general and livable.

In response to a question by Regent Grant, Chair Anderton clarified that the Joint Liaison Committee makes recommendations to the Board of Education and the Board of Regents. By approving these minutes the Board approves

the actions of the committee. Regent Lee stated further that if the minutes were not approved, they would go back to the JLC for further action or study. Minutes are not fully approved until they have been approved by both boards. In addition to the minutes, she recommended that additional information reviewed at the meeting be included so the Regents are better informed. The minutes are accurate but necessarily brief, she stated. Regent LeFevre said Senator Stephenson had been prepared at the meeting to do away with tuition for ATE. At the conclusion of the meeting he was convinced that this was not a good idea at this time.

Commissioner Foxley asked how much more information the Board would like to receive. Regent Foxley suggested a small expansion in the narrative. He expressed his appreciation to Regents Anderton, Lee, LeFevre and Atkinson for their work on this committee and requested that they work with the Commissioner's staff to provide more information. Chair Anderton said he agreed with the change in format, particularly in recommendations and rationale for those recommendations. Regent LeFevre moved approval of the minutes, which was seconded by Regent Lee.

Regent Grant offered a substitute motion, that the Board ratify the minutes rather than approving them. Regent Taggart seconded the substitute motion. President Emert read from section (3)(a) on page 2 of the draft Joint Liaison Committee Amendments: *Decisions of the committee are advisory and are not binding on either the State Board of Education or the State Board of Regents unless the decisions are ratified by both boards.* The substitute motion was unanimously approved.

Returning to the previous discussion of the budget, Regent Grant asked about funding of the SUU's Dixie Center. Regent Foxley agreed that we need to support that funding and discuss what the Board could do about it. Commissioner Foxley said in the budget request, enrollment is fully funded by a reallocation from the institution. There has been growth in SUU's University Center at Dixie College. Good progress is being made in delivery and enrollment in the programs. The budget contains \$117,000 of enrollment growth for the University Center in St George. President Sherratt said this was for existing enrollments; Dixie has requested a computer program which would require additional funding.

Brad Winn offered to make himself available for questions on the Governor's budget recommendations. He thanked the Commissioner's office and the Regents for their help. The Presidents and their staffs have also taken time to discuss their needs. Dr. Winn also thanked Norm Tarbox for his aid in becoming oriented to the position.

Higher Education 1997 Legislative Issues. Commissioner Foxley said the issues shown in Agenda Tab F were not listed in any priority order. She enlarged upon the tuition waiver amendments, stating that they would expand earlier legislation sponsored by Senator Lyle Hillyard to increase geographical boundaries so that the students were not restricted to the closest institution. She also touched briefly on other possible legislation and non-legislative issues. She said Utah had been selected as the site of the Western Governors University (WGU). The board will choose its CEO in the near future. Academic analysis and assessment will involve Colorado. Regent Taggart asked if there was a budget for the WGU. The Commissioner said the states have put in seed money and are looking at further funding. The WGU staff is investigating fund-raising prospects. In addition, President Clinton and Secretary Riley have been supportive of technology and delivery of education.

Regent Zabriskie stated that at a WICHE meeting in Albuquerque, Senator Lyle Hillyard was elected chairman-elect, which means he will be WICHE chair in 1998. He recommended that a letter be sent from the Board, commending him on this appointment. Regent Lee so moved, seconded by Regent Atkinson. The motion was unanimously approved. Commissioner Foxley said a summary of information from the states was in the Regents' folders and would be included following WICHE meetings. Chair Anderton thanked Regent Zabriskie for his service on the WICHE board.

Progress Report on the State Building Board Capital Facilities Delegation Policy. Associate Commissioner Carpenter said all entities are in agreement that this policy is working well and want to continue the policy (see Agenda Tab G). The Building Board would like a list of delegated projects being managed by the two research universities. This will be presented and discussed at their next meeting.

#### General Consent Calendar

Upon motion by Regent Foxley and second by Regent Hoggan, the Board approved the following items on the General

## Consent Calendar:

Weber State University — Plan for financing purchase of Mountain Fuel Supply Building. President Thompson said WSU had planned to borrow the money to purchase this building; however, circumstances have prompted a change. In September the University received the benefits from a unitrust of \$780,000. Also, financing turned out to be more complicated than anticipated. They plan to borrow 25 percent of the money from the Weber State Foundation; the remaining 75 percent will be gift money to the University.

1997-98 Supplemental Budget Request (See Agenda Tab H)

Minutes. Approval of the Minutes of the Meeting of the Utah State Board of Regents held November 12, 1996, at the Board Offices in Salt Lake City, Utah.

Grant Proposals - Approval to submit the following proposals:

1. Utah State University — Strengthening Guyana's National Draining and Irrigation Board; \$1,448,085; Herb Fullerton, Principal Investigator.
2. Utah State University — Refurbishing the SPAS III Interferometer, etc., in support of an ISSEC MIFF Facility; \$1,206,000; John Elwell, Principal Investigator.
3. Salt Lake Community College — Utah Small Business Development Center; \$603,044; Mike Finnerty, Principal Investigator.
4. Salt Lake Community College — Student Support Services; \$239,682; Barbara Burkart, 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 January 24, 1997, to consider property transactions, personnel performance evaluations, litigation, and such other matters permitted by the Utah Open and Public Meetings Act.

Chair Anderton said a Board photo would be taken at the conclusion of the meeting. He called the Board's attention to the proposed meeting schedule for 1997, which was included in the folders.

Chair Anderton asked the Presidents if they had anything to share. President Emert said he had delivered to the Commissioner a request for approval of a faculty code at USU. A higher educational consultant had been hired last year to help get all policies updated with regard to federal and state law. Then a legal firm was hired to do a legal check. Regents' approval will be required of this faculty code to comply with Regent policy. Chair Anderton said the Commissioner and her staff would review this code and send it to the Board.

President Budd said he had been asked by the SLCC Faculty Senate to make sure the Board was aware that each institution has some form of post-tenure review with their faculty.

Commissioner Foxley said a draft of a policy which requires post-tenure review at all campuses was presented to the Board for non-action at the last meeting. The plan is to bring the policy back to the Board for action in January, if it is ready then. The policy would require institutions to revise their policies to make them consistent with current practice. Post-tenure review is also required by the Northwest Accrediting Agency. Terry Alger responded to the editorial in the Tribune about denying tenure to faculty by saying many faculty are being counseled out prior to their seventh year. Chair Anderton said this information should be furnished to the public at large as well as to the Board. The issue of tenure is being driven by accountability on the part of the Legislature and the public. The demand for accountability will have more to do with tenure than any other thing.

Regent Hale said we have good proof that we have been accountable, but a central policy from the Board which supports individual institutional policies would put us in a stronger position. Higher education has a good defense on stewardship as far as tenure is concerned. Much of the public does not understand tenure, she concluded.

Regent Zabriskie said higher education has 15.7 percent of the Governor's 1998 budget. We have had as high as 18 to 20 percent in past years. This is a trend which must be noted. Our percentage of the state's budget continues to decline, and we need to continue to be concerned about it. Commissioner Foxley agreed that we need to reverse this trend. She said this is a trend across the country. It is distressing that the nation is paying more attention to the building of prisons than to providing an education for our citizens. Regent Atkinson said we have not shown that this is having any drastic affect on our education. We need facts and figures and reasons for concern. How are we affecting the quality of education by the lessening of funds?

President Thompson said Weber State University recently had its first winter commencement. Faculty and students were pleased with the result. Regent Taggart gave a great speech; President Thompson will provide copies of that speech. Chair Anderton said the Board would look forward to receiving copies of Regent Taggart's speech.

The meeting was adjourned at 11:20 a.m.

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Joyce Cottrell CPS  
Secretary to the Board of Regents