MINUTES OF MEETING UTAH STATE BOARD OF REGENTS UNIVERSITY OF UTAH December 12, 1997

Board Members Present

Kenneth G. Anderton, Chair Aileen H. Clyde, Vice Chair Ian M. Cumming Pamela J. Atkinson Andrew Croshaw David J. Grant L. Brent Hoggan Karen H. Huntsman Charles E. Johnson Evelyn B. Lee Victor L. Lund Paul S. Rogers Jay B. Taggart Dale O Zabriskie Board Members Excused Larzette G. Hale David J. Jordan

Office of the Commissioner

Cecelia H. Foxley, Commissioner Fred R. Hunsaker, Associate Commissioner for Finance and Facilities Chalmers Gail Norris, Associate Commissioner for Student Financial Aid 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 Dale C. Hatch, Deputy Executive for Administration, USLP; Deputy Administrator, UESP Trust Max S. Lowe, Assistant Community for Applied Technology Education Whitney J. Pugh, Budget Analyst and Personnel Officer Norman C. Tarbox, Assistant Commissioner for Finance and Facilities Courtney White, Research Analyst

INSTITUTIONAL REPRESENTATIVES

University of Utah Jerilyn S. McIntyre, Interim President Ted R. Capener, Vice President for University Relations John M. Matsen, Vice President for Health Sciences Thomas G. Nycum, Vice President for Administrative Services David W. Pershing, Interim Vice President for Academic Affairs Paul T. Brinkman, Director, Planning and Political Studies Arnold Combe, Assistant Vice President for Administrative Services Raymond A. Haeckel, Executive Director, Government and Community Relations W. Ralph Hardy, Director of Budgets James K. Koford, Associate Instructor, History Thomas G. Nycum, Vice President for Administrative Services David W. Pershing, Acting Vice President for Academic Affairs Christine St. André, Executive Director, Hospitals & Clinics Raymond W. Wheeler, Facilities Coordinator, Space Management Kim Wirthelin, Assistant Vice President for Health Sciences

<u>Utah State University</u> George H. Emert, President Lee H. Burke, Assistant to the President Peter F. Gerity, Vice President for Research Lynn E. Janes, Interim Vice President for Administrative Affairs Patricia S. Terrell, Vice President for Student Services

<u>Weber State University</u> Paul H. Thompson, President David Eisler, Provost Carol J. Berrey, Executive Director of Government Relations/Assistant to the President

Southern Utah University Steven D. Bennion, President Terry Alger, Provost Michael D. Richards, Vice President for University Affairs Gregory L. Stauffer, Vice President for Financial Affairs

<u>Snow College</u> Gerald J. Day, President Rick Wheeler, Vice President for Student Affairs Richard L. White, Vice President for Instruction

Dixie College Robert C. Huddleston, President Stanley J. Plewe, Vice President, Administrative/Information Technology Services Max Rose, Academic Vice President

<u>College of Eastern Utah</u> Grace S. Jones, President Raelene Allred, Vice President for Finance Karen Bliss, Dean of Institutional Advancement Gail Glover, Dean of Administrative Services, San Juan Center Brent Haddock, Academic Vice President

Utah Valley State College Kerry D. Romesburg, President Dick L. Chappell, Vice President for Institutional Advancement Lucille Stoddard, Vice President for Academic Affairs Ryan Thomas, Vice President for Student Services and Campus Computing Elaine E. Englehardt, Assistant Vice President for Academic Affairs J. Karl Worthington, Associate Vice President for Academic Affairs Gaya Carlton, Associate Professor, Nursing Douglas E. Warner, Executive Director, Budgets and Management Studies

Salt Lake Community College

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Frank W. Budd, President Marjorie Carson, Vice President of Academic Services Richard M. Rhodes, Vice President of Business Services Rand Johnson, Assistant to the President Marla Kennedy, Student Body President Shari Sowards, Instructor, Social Sciences Lori Watson, Assistant to the Academic Vice President

State Building Board Ronald Halverson, Chair Earl Monson, Vice Chair David Adams Mary Flood Kay Waxman

DFCM Staff

Richard Byfield, Director Mark Curtis, Program Manager Susan Hardy Rick James, Program Manager Kenneth Nye, Program Director Robert Woodhead, Deputy Director

Others Present Thomas C. Anderson, Attorney General's Office Alan Bachman, Attorney General's Office Shannon Bittler, SBE/SBR Joint Liaison Committee Marjorie Cortez, *Deseret News* Dan Egan, *Salt Lake Tribune* Carl Empey, Zions Bank Shauna Hatfield, Legislative Analyst, Governor's Office of Planning and Budget Raylene Ireland, Executive Director, Administrative Services Kelly Murdock, First Security Bank Blake Wade, Ballard Spahr Kevin Walthers, Office of the Legislative Fiscal Analyst Bradley A. Winn, Governor's Office of Planning and Budget

Joint Meeting with State Building Board

Chair Anderton called the meeting to order at 8:25 a.m. He introduced Commissioner Foxley and the Regents present to the members of the Building Board and said the Regents were pleased both boards could meet together. Chair Halverson introduced the members of the Building Board and DFCM staff.

Chair Anderton introduced Associate Commissioner Fred Hunsaker and asked him to introduce the discussion. Mr. Hunsaker said it was a good opportunity for the two boards to discuss issues of common interest and gain an understanding of the direction which is best for the facilities in the state. He called the Regents' attention to the agenda and the discussion paper. Agenda items one and three should be addressed by the Regents, and agenda item two should be addressed by the Building Board.

Commissioner Foxley began the discussion by referring to the first item on the joint agenda, Regents' Philosophies and Policies that Impact Facility Needs (see Agenda Tab A). One item to be considered is the impact of new technology on old buildings. The Governor introduced his proposed budget for higher education the preceding day. In his press conference, Governor Leavitt proposed a Utah Electronic Community College (UECC). The Commissioner invited the presidents to make comments about the facilities on their respective campuses.

Chair Halverson asked for an explanation of the Utah Electronic Community College. Commissioner Foxley said this had been discussed in a dialogue with community college presidents. We are best ready to deal with lower division courses which could be compiled into an associate degree. This is a recommendation of what is already in place and packaging it in a way to allow students to take better advantage of their choices. She asked Presidents Budd and Romesburg to comment.

President Romesburg said now that the entire system is moving to semesters, we will all be on the same academic calendar. This will allow students to move more freely between the community colleges. The next step is to reach out to the rest of the state and possibly beyond and make this available electronically. A home page will be created on the Internet to provide access to what is already in place. Courses may be accessed through this home page and an associate degree acquired, or a combination of electronic and campus classes. The UECC is a natural outgrowth of our semester conversion and a good tie-in to the Western Governors University (WGU). It will be put together very quickly, under the direction of Associate Commissioner Mike Petersen, with something in place by next fall.

President Budd said this will take advantage of the work which has been done individually and independently by each of the institutions. The concept of the UECC is a common catalog of courses deliverable through electronic means, web page, and/or a toll-free number, through which a student may access these courses and take classes from any of the community colleges in the system and perhaps others. A student could apply for an associate degree from the institution from which s/he has received the most credits. Every institution has been delivering courses electronically. This makes it more integrated and allows for smoother access. A common tuition will be proposed for this UECC. The proposal for an Utah Electronic Community College is indicative of the cooperation and leadership in the state and from the Governor's office. It will be more cost-effective and user-friendly for the students than Colorado's model.

Associate Commissioner Petersen said we are not envisioning a new institution. This is a coordination among existing institutions to allow students to take classes as if they were attending a single institution. We already have this capability in Utah. A report was provided to the Regents last month summarizing distance learning already available in the Utah System of Higher Education. Over 18,000 enrollments were provided in distance learning courses last year in Utah. Credits earned were the equivalent of 1800 FTE, or the size of one of our small community colleges. This fall a number of institutions are offering Internet-based online course work. The UECC will take advantage of this infrastructure and increase availability of classes to the students.

Commissioner Foxley added this will be a great advantage to the students. It will be coordinated with the Regents' offices with all of the institutions eventually being involved.

Chair Halverson said Governor Leavitt frequently talks about WGU being located in a specific area, a "production studio" where all universities can participate. He asked, has a decision been made as to where this will be located? Will it require bricks and mortar? Chair Anderton responded that a final decision is still being made. Commissioner Foxley further explained that WGU has two home locations: Colorado for academic curricular development and competency-based assessment with Bob Albrecht as Chief Academic Officer, and Utah for the business plan development with Jeff Livingston as Chief

Executive Officer. Governors Romer and Leavitt have been the leaders for WGU. States are joining WGU which are not part of the Western Governors Association. Western Governors University is quickly becoming a national and international interest.

The Commissioner said we don't know yet what physical space will be required. Right now much is done through small offices connecting with existing institutions. Utah State University has been named one of the pilot institutions for WGU. Other USHE institutions also offer a variety of courses through various technologies. Chair Anderton said there must be one central location where all of this is coordinated; it makes sense that it be associated with an office of higher education, which would necessitate some space in order to house and facilitate it. The location will depend on the number of students and the development of courses. If students choose to attend traditional campuses, this will increase our need for new facilities.

President Budd said each time Salt Lake Community College has opened a new center, a new population has emerged. WGU will open another population for enrollment. It is amazing that Utah's enrollments are still growing with full employment. Projections from the Governor's office are that major construction projects will wind down just prior to the 2002 Winter Olympics. If this happens, college and university enrollments will go up as people cannot find work and choose to return to school. Electronic courses are still expensive, but are more accessible.

Mr. Adams asked, how will the decision be made on which institutions offer which courses? Chair Anderton explained that the Regents continually look at articulation. Each institution has its own mission. The Board continually monitors course offerings and articulation offerings as part of the USHE master planning process.

Regent Lee said the Governor's budget proposal included a request for \$250,000 for the Utah Electronic Community College. She asked what was planned for the use of that money. Associate Commissioner Petersen said a basic start-up staff will be required. An online electronic catalog and the availability of financial aid advising will require a minimal staff. Also, new software must be purchased to allow for centralized evaluation of programs. Courses are already available which will be offered by the institutions. Facilities are already in place. The \$250,000 requested by the Governor will pay for a limited number of staff, hardware and software requirements.

Regent Johnson asked about the magnitude of the retrofit issue. What about technology on the campuses? He requested the numbers broken down by technology and other issues and asked that this be a priority. He asked for this information in aggregate from all institutions and said we need to get technology on all campuses and all facilities. Chair Anderton said the Commissioner's staff would provide this information. Mr. Byfield said a study had been made a couple of years ago by Paulien & Associates about what drives needs. He commended Associate Commissioner Hunsaker for balancing growth against old facilities and the requirements for new facilities.

Assistant Commissioner Tarbox explained the schematic on the Qualification and Prioritization process included in the discussion draft in Tab A. Questions were raised about the Q&P process at the September Board of Regents meeting. The policy appears to be quite complex but is easy to apply. President Emert said the Q&P process has served higher education very well. At the older campuses many buildings are in need of deferred maintenance. In some cases the electronics goes to the buildings but is not inside the buildings and so it cannot be used. At USU, 40% of the faculty do not have a computer on their desk. Classrooms are also needed in remote sites for students who cannot access courses on their own television sets. Students in remote spots are being charged more than students on campus.

Regent Cumming said several years ago the Building Board and the Regents were unhappy with the Q&P process. He asked if this had been sufficiently remedied and if it were likely to need attention in the future. Chair Halverson said the Building Board was pleased with the changes which had been made in the Q&P process. They wish to preserve the integrity of the Regents' list and hope it can be intact in the list recommended to the Legislature. The Building Board recognize the efforts of the Board of Regents to maintain peace and harmony among the institutions.

Commissioner Foxley said the Regents are very much involved as institutions go through the process of justifying their needs and finalizing a list to be forwarded to the Building Board, the Governor and the Legislature. President Emert said the Q&P process is a solid approach to prioritizing projects, but perhaps it is not the best way to address the needs of the older buildings.

Chair Halverson said the institutions are requesting maintenance money for simple things which should be funded from O&M money. Major renovations are currently underway at Kingsbury Hall and Gardner Hall, which are not really maintenance projects, but expansions of those buildings. Vice President Nycum said Kingsbury Hall had not had any major improvements made to it since 1930 and badly needed HVAC updates. The size of the building is being increased by the addition of a concert hall which was funded by a gift from the Eccles Foundation. He said there are budget designations for emergency maintenance, normal maintenance, and preventative maintenance, but when funding for normal and preventative maintenance is lacking, too many projects become emergencies. At the present time the University of Utah needs \$110 million in deferred maintenance. All projects at the University in the last five years have been renovation projects. The U is trying to raise quality and efficiency of its buildings through renovations.

Chair Halverson said the Building Board has a concern about preventative maintenance. We need to preserve our buildings so that we do not require major renovation. O&M requests are appearing on the AR&I request listing. President Emert said the allocation of O&M funding was really tight with no increases given. There is not enough money from the beginning of occupying new space. Institutions share the concern about preventative maintenance, but when funding is not provided, preventative maintenance is cut first.

Associate Commissioner Hunsaker said money for preventative maintenance is being crowded out by the emergency maintenance and the daily maintenance which is required at all campuses. Life cycle and preventative maintenance issues are not being funded in the O&M allocations. Some facilities do not receive the necessary money to be maintained at a viable level, which forces institutions into requesting funding for alterations, improvements and repairs.

Chair Halverson said institutional presidents have broad control of the allocation of money at their institutions, and this money is not going to maintenance. Vice President Nycum assured Chair Halverson that the presidents do not touch maintenance funds. Increases from the Legislature have not addressed inflationary increases. Deferred maintenance projects do sneak into AR&I lists, because that is the only other avenue to get things done. It is disconcerting that in order to get a reasonable share of AR&I funding, the institutions need to put in large projects. It would be extremely beneficial if AR&I funds were allocated in percentages to the institutions, based on the value of the asset so the institutions could do smaller projects toward preventative maintenance or to complete needed projects which are not in the \$900,000 range.

Regent Rogers said the Board of Regents do not want to be viewed, nor the institutions, as being hostile or evasive to the formula and the protocol of responding to needs. We all understand why this is happening. If we need to change, perhaps the two boards should set up a dialogue to achieve the desired

outcome. Chair Halverson said he is working with Associate Commissioner Hunsaker and he does not perceive this as a hostile relationship. We are underfunded in O&M and in AR&I. We have a supportive Governor but recognize that we are building buildings on 1965 dollars. In another 10 or 15 years, we will have the same crisis with our buildings as we have now with our highways.

Regent Lund asked if the magnitude of this situation had been established. Chair Anderton said that information is available and would be defined further. Associate Commissioner Hunsaker identified the following areas of concern: First, we need to identify the total of deferred maintenance; it could possibly be as much as \$200 to \$300 million. Second, we need to address how to keep this from getting behind again. How can we identify O&M funding so that preventative maintenance is not deferred? Many buildings were funded on 1940-1950 dollars and have received no O&M increases for a major segment of those costs — non-personnel costs. The cost of materials, cleaning materials, and paper products have been rising faster than inflation, by far. These cost increases have not been funded and are a major cause for the accumulation of deferred maintenance.

President Romesburg said as the newest campus, UVSC has not had a problem with older buildings. O&M is set at one point and not increased. The only adjustment for inflationary costs is for staffing or custodial expenses, and perhaps utility increases. UVSC has no deferred maintenance account; they take from everywhere else to keep the buildings going.

Mr. Byfield said DFCM and the Building Board have proposed amendments to the AR&I, increasing from .9% to 1.1%. A .9% would not address infrastructure. O&M is tied to the appraisal value of the facilities. There is a potential for an expanded number for AR&I.

Regarding funding for land acquisitions, Mr. Byfield said the Governor's office has requested a ranking of projects. The Building Board struggles with land acquisitions. He requested that the Regents discuss the difficulty of securing land because the capital budgeting process is so long. The Building Board recognizes the need to take the opportunity to take care of acquisition projects when they arise. Associate Commissioner Hunsaker agreed that there is a consistent, regular need to be able to move immediately to take advantage of opportunities to acquire property which is critical to the future of the campuses. The ability to do that is based on timing and being able to move quickly, and waiting until the next Legislative session to see if the money is appropriated could mean lost opportunity to acquire the land.

Regent Grant asked what needs to be done for this to happen. Mr. Byfield responded, "Legislation." Regent Grant asked how much money would be needed for a land bank. Mr. Byfield said if there were to be an allocation of one million dollars under the jurisdiction of the Regents to take care of these opportunity purchases, it might help address those property issues.

Mr. Adams said land acquisitions were at the bottom of the capital facilities list last year. The Building Board decided a land bank would be a good way to deal with these acquisitions. The Legislature needs to receive a list every year for land acquisitions separate from capital improvements. Regent Rogers said the Regents are happy to be supportive of this proposal. Contingency funds have been used in the past for land acquisitions. Mr. Halverson said the Legislature has changed this statute. Contingency funds are no longer an option for land purchase.

President Romesburg strongly encouraged the Building Board to get this started. He further encouraged the Regents to forward a separate list of land acquisitions to the Building Board. UVSC is not only landlocked, but is turning away students because the present buildings are full. UVSC's first priority is its technology building. A building has become available across the freeway, as well as another 16-acre

plot of land contiguous to the campus. The college should not be forced to choose between the need for new buildings and acquiring property. It should be in the state's best interest to acquire both.

Regent Johnson said everyone would favor this fund theoretically. However, a source of revenue must be found. This is our challenge.

Mr. Halverson expressed his sincere appreciation for the opportunity of meeting together. Commissioner Foxley said there are never sufficient resources to meet all needs. However, the Board of Regents will continue to work with the Building Board. She said she appreciated the excellent dialogue at these joint meetings.

Dr. Foxley said both boards had directed the Commissioner's office to look at various options for an office facility for the Board of Regents and the Student Loan Purchase Program. This has begun, and we will be reporting to both boards as soon as possible. Good progress is being made.

Chair Anderton said the Regents had appreciated meeting with the Building Board. The discussion had covered some issues on which continuing dialogue would be needed. He expressed his appreciation for the role of the Building Board and their understanding of the needs of higher education.

Board of Regents Committee of the Whole

Discussion of Regents Policy R220

Chair Anderton asked the Regents to turn to Agenda Tab B and said this policy had been discussed and redrafted by the R220 Task Force and the Council of Presidents.

Regent Cumming referred to section 4.6.2 (page 7 of 9) and said shared governance is a wonderful concept but it is difficult to execute. Someone needs to be in charge. This is a difficult process. A presidential search committee of 15-24 people doubles the complexity of the task. Public policy requires that the Board be comprised of a large number of people. Nine institutional presidents report directly to 15 part-time Regents, with a CEO managing a staff. Regent Cumming said he felt the proposed changes would elevate Boards of Trustees to the level of the Board of Regents.

Chair Anderton said the Board of Regents has the final authority and the right to act on issues relating to the selection and terms of presidents. The Board confers with Boards of Trustees already. It is a very deliberate and aggressive procedure to consider various constituencies. The proposed changes simply make present practice into policy. These changes would be inviting trustees to be more consulting, while reserving the right of the Regents to make the final decision.

President Emert said the proposed changes would allow for greater communication by the Board and other constituencies, including trustees. Trustees have found themselves in too many issues. These changes would give trustees the authority to deal with some of the day-to-day issues and would enable the Regents to deal more with what Governor Leavitt termed the "big gear" questions.

Regent Lee referred to proposed section 4.6.2.1.2 and asked the purpose for a joint meeting with the trustees to discuss presidential finalists. An equal number of Regents and trustees serve on the search committees. Would the finalists be invited back to a second interview before the final vote? She moved that this section be eliminated. Regent Cumming seconded the motion. Regent Zabriskie said he shared the same concern. He cautioned the Board not to overreact to one specific situation.

Regent Johnson said maybe this should be protocol rather than policy. The Regents do not want a ranking or voting in a joint meeting of Regents and trustees. Consulting the trustees is being polite, and would be only a discussion. Chair Anderton said it was an opportunity for the full board of trustees to know the process, the strength of the final pool, and to give input to the Regents.

Regent Rogers said the Regents and trustees are represented on presidential search committees and do (or should) communicate the status of the search and the strength of the candidates to their respective boards. He asked if this additional step was necessary.

Vice Chair Clyde said she served on the R220 Task Force and participated in most of the discussions. This is the Regents' decision. She agreed that this section was unnecessary.

Regent Zabriskie said he favored removing this section, or changing the language to "before the Board interviews" rather than "before the Board votes."

Regent Johnson asked, if this section were eliminated and the trustees' chair requests an informal meeting of both boards prior to the selection process, what is our response? Regent Cumming responded when a board of trustees asks to meet with the Board of Regents, this request is dispatched quickly and politely. The Board has always acknowledged such requests of boards of trustees. Chair Anderton referred to section 4.5.6 and said boards of trustees have always had the right to petition the Board of Regents on any matters of importance to the institution.

Vote was taken on the motion to eliminate section 4.6.2.1.2. The motion carried, with notable exceptions.

Regent Zabriskie referred to section 4.6.2.1.3 and said he felt this section was inappropriate. If it is left in, he suggested the wording be changed to "chair or vice chair" of the board of trustees. Chair Anderton said the idea was for the chair of the board of trustees, who sits on the search committee, to sit in on the final interviews because sometimes candidates interview differently with the two groups. Regent Zabriskie argued that the role of the search committee was to send a slate of candidates who were fully qualified to be president of an institution.

Regent Cumming moved that proposed section 4.6.2.1.3 be removed. Regent Zabriskie seconded the motion. Concern was expressed that faculty or other groups would want equal representation at the final interviews. Vote was taken on the motion to eliminate section 4.6.2.1.3. The motion passed unanimously.

Regent Cumming referred to section 4.6.2.2 (page 8 of 9) and said he objected to this proposed joint meeting. He said he felt the meeting should be between the chairs of the two boards. Chair Anderton said this is already done every month when the Board meets with the trustees and excuses the president. Regent Cumming recommended that the wording be changed from "Annual Evaluation of the Presidents of Institutions" to "Annual Consultation Regarding the Presidents of Institutions." Chair Anderton agreed that the present wording was confusing. Regent Zabriskie said the appointment of the board of trustees chair to the president's resource and review team is separate. Chair Anderton said this would be separated.

Regent Cumming referred to section 4.6.2.3 and recommended that the meeting be between the chairs of both boards. Confidentiality which is fundamental to the management of any employee would be compromised by a meeting of both full boards. Chair Anderton suggested that this refer back to section 4.5.6. Regent Cumming moved for the reinstatement of the language which was redlined and that the new language be struck, and that the paragraph refer to section 4.5.6. Following a second, that motion carried.

Commissioner Foxley said these changes would be made. The rewritten policy will clearly define the original wording and the changes requested in this meeting.

Regent Zabriskie moved that the Board approve the substitute wording suggested by the Council of Presidents for section 4.6.2.1.3. Regent Lee seconded the motion. President Budd said there were recommendations throughout the document for alternate statements by the COP. He asked that the Board deal with each of these recommendations individually. For instance, the task force's proposed language in section 4.5.2.7 would be extremely problematic as written. Regent Johnson asked the presidents for their reasoning on each recommendation.

Section 4.5.2.5: President Romesburg said the COP's recommendation was to eliminate an executive session. Regent Cumming moved approval of the COP's alternate language. Regent Zabriskie offered a substitute motion, that "at the discretion of the board of trustees" replace "as appropriate" at the end of the sentence. Regent Cumming accepted that modification to his motion. Regent Hoggan seconded the motion, which carried unanimously.

Section 4.5.2.7: President Budd said boards of trustees have no interest in approving all requisitions of an institution. To do so would be too time consuming. Budget transfers are also a daily occurrence, usually for small amounts of money. Boards of trustees do not want to micromanage the daily operations of an institution. Regent Lee moved approval of the COP's alternate wording. Vice Chair Clyde seconded the motion, which carried unanimously.

Section 4.6: President Bennion said the presidents' general thought was that administrative responsibilities tend to be responsibilities of presidents. The previous language delegated them to the trustees. President Day said in an earlier version of this document, the presidents were concerned that this was a delegation to the boards and presidents. Regent Zabriskie moved approval of the COP's suggested wording. Regent Cumming approved the motion, which carried unanimously.

Regent Zabriskie said great improvements had been made in this policy.

Proposed Faculty Teaching Workload Report

Associate Commissioner Petersen called attention to replacement tab C in the Regents' folders which summarized the recommendations on this topic. He said the Legislature had requested the Regents to provide a method to allow a system of measuring faculty workload more consistently across the system. The task force made a recommendation in September of reports in four areas. This is summarized at the bottom of page 1 of the cover memo. Additionally, the Chief Academic Officers (CAOs) recommended that the primary focus be on recommendation #1.

Regent Lund moved that this item be tabled until the next meeting so the Regents could have additional time to consider it before voting. Regent Atkinson seconded the motion. Associate Commissioner Petersen said the Executive Appropriations Committee needs to receive the information at their meeting the following week. Regent Lund challenged the Commissioner's staff to get the necessary information to the Regents in time for them to read the material before voting on it. Vote was taken on the motion to table, which carried.

Chair Anderton suggested that this item be added to the agenda following the committee meetings. Following a second by Regent Atkinson, the motion passed unanimously.

1997 Biennial Assessment and Accountability Report Executive Summary

Associate Commissioner Petersen said the state legislature years ago adopted legislation to identify a number of topics on which they wanted a biennial report from the Board. The executive summary is found behind Agenda Tab D; a full report was available to the Board.

Regent Atkinson expressed her strong concern about the high number of high school students who go on to college and still need remedial education. Dr. Petersen said many high school graduates have been away from math and/or science classes for at least two years. This report will be discussed by the Joint Liaison Committee at its next meeting.

Regent Cumming said a few years ago, the Board decided to make entrance requirements more stringent. He asked what had happened to that process. President McIntyre said those course work requirements for the University of Utah went into effect in 1987. They have remained the same in that ten years. Those requirements have made a dramatic impact on courses offered in high schools and retention rates at the university.

President Emert said a strategic planning committee was looking at whether or not to "rev up" the admission requirements. This does not address the issue of students who need to retake math courses. President Budd said there are age correlations. Older, non-traditional students need more remedial math; recent high school graduates need writing skills. Regent Cumming recommended that the COP discuss the admissions standards in depth, meet with public education, and over time raise the entrance requirements.

Regent Hoggan reminded the Board that this report is required for the Legislature, and that they were spending valuable time discussing a problem highlighted by the report. Regent Hoggan moved approval of the report. The motion was seconded by Regent Lund and carried unanimously. President Romesburg said next fall we will see a dip in FTE with conversion to a semester calendar, because students can get financial aid by taking fewer credits.

Regent Rogers moved that the COP provide a series of editorial comments about this report to the Regents and public education. The motion was seconded by Regent Atkinson. Commissioner Foxley said the Joint Liaison Committee would be meeting the following Monday. They will be discussing remedial education at that time. She said we need to work in partnership with public education in preparing high school students for higher education. Vote was taken on Regent Rogers' motion, which carried unanimously.

Noting the hour, Chair Anderton said the board committees should meet until 12:30, then resume their discussions after lunch. The Committee of the Whole recessed at 11:45 a.m. and reconvened at 3:40 p.m.

Regent Taggart said former Regent Clifford S. LeFevre was receiving an honorary doctorate at Weber State University's winter commencement exercises that afternoon.

Reports of Board Committees

Program and Planning Committee.

<u>Weber State University</u> — Associate of Applied Science Degree in Applied Technology (AAS-<u>AT) for Specified Apprenticeship Students</u> (Agenda Tab E). Vice Chair Zabriskie said the committee had agreed that this was a great program. The AAS-AT degree would be available to students who have completed or who are completing an apprenticeship program which has been certified by the Utah Bureau of Apprenticeship and Training. It is a generic degree, as opposed to most AAS degrees, which are specific by nature. Regent Zabriskie moved its approval, seconded by Regent Hoggan. The motion carried unanimously.

<u>Weber State University</u> — <u>Composite Elementary/Special Education Teaching Major</u> (Agenda Tab F). This proposal would reconfigure two existing programs in the Department of Teacher Education, blending the elementary education major with the special education aendorsement to create a single composite major. Vice Chair Zabriskie said the committee had discussed this proposal and approved it. He so moved its approval, seconded by Regent Atkinson. The motion carried unanimously.

<u>Utah Valley State College</u> — Certificate in Flight Training in Greece (Agenda Tab G). Vice Chair Zabriskie explained that this is a cooperataive effort with the Hellenic Aerospace Industry (HAI) and is being funded by HAI. He moved its approval. Regent Lee said she had voted against this proposal in committee and expressed her intention to vote against it in this meeting. She said the program was not necessary and very costly. She questioned the advisability of supporting programs of this nature. Regent Lund said he had also voted against the proposal in committee because he did not feel it was in agreement with the college's mission. The motion to approve the program carried, with three dissenting votes.

<u>Dixie College</u> — Associate Degree Nursing Program (Agenda Tab H). This request was in response to established needs in the St George community. Vice Chair Zabriskie asked for continued discussion next month and moved that it become an action item in the January meeting. Following a second by Regent Atkinson, the motion carried unanimously.

<u>Utah Valley State College</u> — <u>Baccalaureate Degree in Integrated Studies</u> (Agenda Tab I). Vice Chair Zabriskie said the committee had had limited time for discussion of this item. He moved that this proposal be continued as a non-action item and that President Romesburg work with the Commissioner's office to present clarification of future plans of UVSC so the degree can be understood in that context in the future. Regent Zabriskie said the committee felt we are at a crossroads at UVSC, and they would like to take another look at the college's role and mission, and where the college and the Board want them to go. This discussion will be held at the next meeting. The committee recommended that this be discussed in the Committee of the Whole after the Program and Planning Committee completes its discussion. The motion was seconded by Regent Lee and carried unanimously.

<u>Consent Calendar, Program and Planning Committee</u>. Upon motion by Regent Zabriskie and second by Regent Atkinson, the Board approved the following items:

- a. Utah State University Discontinue the Master of Science Specialization in Recreation Leadership in the Department of Health, Physical Education, and Recreation.
- b. Weber State University
 - 1. Deliver the Existing Licensed Practical Nursing Program Off-Campus to the Ogden-Weber Applied Technology Center (OWATC).
 - 2. Change the Degree Granted by the Associate Degree Nursing Program from the Associate of Science to the Associate of Applied Science Degree.
 - 3. Name Change of the Center for Science Education to Center for Science and Mathematics Education

4. Name Change of the Baccalaureate Emphasis in the Department of Business Administration from Business Administration: Logistics Emphasis to Business Administration: Logistics and Operations Management.

Finance and Facilities Committee

<u>University of Utah — Campus Master Plan</u> (Agenda Tab K). Vice Chair Hoggan said it was regrettable that the committee had insufficient time to hear the complete plan. The UofU Master Plan was very well planned, had involved every constituency, and had taken over two years to develop. The master plan was extremely well thought out and presented in committee. Regent Hoggan moved approval of the University of Utah campus master plan. Following a second by Vice Chair Clyde, the vote carried unanimously.

<u>Utah State University</u> — <u>Ground Lease</u> (Agenda Tab L). Vice Chair Hoggan said the USDA needs this lease to proceed with construction of a new Poisonous Plant Laboratory on the USU campus. He moved approval of the lease. Regent Lund seconded the motion, which carried unanimously.

<u>Utah Valley State College</u> — Champion Building Lease (Agenda Tab M-a). The facility in question is located near the west campus of UVSC. The college is prepared to use existing institutional funding for the lease and associated O&M costs. Regent Hoggan moved approval of this lease. Regent Johnson seconded the motion, stipulating that approval be subject to Regent Hoggan and Tom Anderson working out the details. The motion carried unanimously. Vice Chair Hoggan said the Park City Lease (Tab M-b) had been pulled as an agenda item.

<u>Snow College</u> — <u>Land Purchase</u> (Agenda Tab N). Vice Chair Hoggan explained that the opportunity has arisen for Snow College to purchase approximately .2 acres of land directly north of the Greenwood Student Center, to be used for parking. The college would use internal funding for this purchase. Regent Hoggan moved approval of this land purchase. Regent Rogers seconded the motion, which carried unanimously.

Addendum to Non-State Funded Capital Development Projects (Agenda Tab O). Vice Chair Hoggan explained each of the following proposals:

- 1. <u>University of Utah West Health Science Mixed-Use/Transitional Care Facility</u>. Regent Hoggan explained that this action is required for presentation of this item to the Legislature. The consideration is the same as current ground lease being charged for Research Park.
- 2. <u>Utah State University Poisonous Plant Laboratory</u>. This is the facility discussed earlier, under Agenda Tab L.
- 3. <u>Weber State University</u> <u>Student Housing</u>. This is project authorization to obtain legislative authorization to proceed with programming, design and, if determined to be feasible, to proceed with the project. More specific information will be provided at a later date.
- 4. <u>Weber State University</u> <u>Athletics Department Weight Room</u>. This remodel and expansion will be funded by a private donor.

5. <u>University of Utah — West Campus Parking Structure</u>. This parking structure would be located east of the Pioneer Memorial Theatre. This is a site change. The project has already been approved at another site.

Vice Chair Hoggan moved approval of all items on this list. Following a second by Regent Johnson, the motion carried unanimously.

<u>Approval to Seek Revenue Bond Financing</u> (Agenda Tab P). Vice Chair Hoggan said this agenda item is a companion to the previous item. It is a \$110 million bond request, with an additional \$22.5 million to be received from the Salt Lake Organizing Committee (debt service and principal payments on the \$22.5 million to be paid by SLOC immediately following the 2002 Winter Olympics). The committee approved this request, with the condition that a letter of credit be provided by the SLOC for the additional \$22.5 million on the UofU Student Housing. The net present value of \$22.5 million (equated to a net future value of \$28 million) is scheduled to be received in April 2002. The approval of such revenue bond financing includes UofU Eccles Broadcast Center expansion for \$6.5 million, UofU southwest campus parking structure for \$8 million, UofU Health Center facilities for \$28 million, and WSU student housing for \$24 million. The motion was seconded by Regent Cumming. The motion carried unanimously. Vice Chair Hoggan told the Board they had just approved \$152 million in bonding for the University of Utah. All projects must come back to the Regents for further review.

<u>Dixie College — Real Property Exchange</u> (Agenda Tab Q). Vice Chair Hoggan explained that the LDS Institute of Religion would like to exchange their existing building for some vacant property on the southeast quadrant of the Dixie campus. The appraised value of the college property is \$750,000 and the value of the church facility is \$1 million. The exchange would be made and the difference would be made up in non-payment of rentals over 28 months. Regent Hoggan moved approval of this property exchange. Regent Rogers asked if an assessment should be done for asbestos. Vice President Plewe said asbestos has already been removed from the building. The college would be gaining 180 parking stalls for use by students at both facilities, plus 92 additional stalls. The building is in good condition, according to the appraisal. The college has examined the building and verified that to be the case. It will require some ADA modifications, but will be an excellent addition to the college. Following a second by Regent Johnson, the motion carried unanimously.

Vice Chair Hoggan said the committee had not had time to finish their agenda items. He recommended that they now be discussed by the Committee of the Whole.

<u>Student Financial Aid</u> — Report of Study Group on Supplemental Trust Legislation (Agenda Tab R). Regent Cumming said he had serious objections to the implementation of this legislation. The federal legislation required that the program be administered by a state. Regent Cumming called attention to the following sections of the accompanying staff report, emphasizing specific phrases as noted:

The legislation provides that the supplemental trust "may be made operational at the discretion of the board upon the board's determination *that adequate fiduciary and administrative provisions have been established.*"

The Study Group has concluded that the potential advantages of the Supplemental Trust *may* outweigh the potential disadvantages if the following recommendations and statutory changes are adopted and that at this time no overriding reasons preventing proceeding have surfaced. . .

The supplemental trust legislation, as explained by Fidelity representatives, envisions the Regents establishing a separate and additional "Utah" college savings program to be marketed nationally under the State's name. The program would need to be a program of Utah or some other state in order to qualify for deferral of federal income taxes on the earnings of the participant accounts.

The supplemental trust would market opportunities for college savings plans based totally on mutual fund investments, a *somewhat more aggressive investment approach* than is contemplated (although it would be legally possible) under the basic trust already in operation.

The supplemental trust would be provide an alternative — more aggressive — investment vehicle.

The conclusion reached by the Study Group is that the state would not be compelled to accept liability. Several reasons are cited. *Still this leaves unanswered the question about whether or not possible damage to the image of Utah as an exceptionally well managed, prudent and financially responsible state might be placed in jeopardy by unforeseen events.*

Regent Cumming disputed the Attorney General's opinion that there is no legal obligation. He recalled previous negative experiences of states in like areas and asked what the State of Utah was doing in joining into a profitable enterprise. The risk is small, but the cost of the risk is enormous to the potential finances of the state. Fidelity is one of the best mutual fund organizations in the world. However, the ninth largest economy in the world (South Korea) has gone bankrupt. Sometimes unexpected things happen, and Utah could find itself in a position that a disaster befalls us. He asked, why are we taking this risk, even though the likelihood of this happening is very small? What business do the Regents have in taking this risk?

Regent Johnson said he did not believe it was the role of the State of Utah to be involved in a marketing process for a for-profit situation, particularly an investment situation. The rewards cannot outweigh the risks. He asked, what is our role as a state? What is our role as a governing board for higher education? There should be more investment opportunities for higher education; however, this is different from marketing.

Regent Lee said she participates on the Student Loan Finance Subcommittee, where she has repeatedly spoken against this idea. Some members of that committee would prefer an alternative with a higher-risk profit-making option for a college tuition savings plan in the future. This is a major risk in which the Board should not be involved. She said the Commissioner's staff has spent an inordinate amount of time on this issue. Other issues are more important. Even taking the time to develop an RFP does not make sense. Regent Lee moved, seconded by Regent Cumming, that this be dropped. The motion carried, with Regent Rogers abstaining.

<u>Student Financial Aid</u> — <u>Technical Amendments to UESP and Supplemental Trust Legislation</u> (Agenda Tab S). Vice Chair Hoggan said approval would be required for UESP portions of this item only. Approval is necessary for compliance with federal legislation on the basic trust. Regent Lund moved approval of the amendments of the basic trust presently in existence to comply with federal law. The motion was seconded and passed.

<u>Student Financial Aid</u> — Legislation to Facilitate UHEAA Compliance with Federal AWG <u>Requirements</u> (Agenda Tab T). Vice Chair Hoggan said this was necessary for UHEAA to be in compliance with federal law on the Student Loan Guarantee Program. Associate Commissioner Norris explained the necessity for this action: States are now forbidden to litigate on defaulted loans and required instead to use administrative wage garnishment as provided for in federal statute. To do this, UHEAA needs access to employment records of the state. Department of Employment Security records are available to state agencies when required by state or federal law. This proposal would provide authorization for the guarantee program to have access to state employment records for that purpose. This is necessary when collecting on defaulted loans. Representative Orville D. Carnahan is willing to sponsor legislation to this effect. Associate Commissioner Norris said it was a more "user friendly" option for the borrowers. Regent Zabriskie moved approval of this action, seconded by Regent Johnson. The motion carried, with one dissenting vote.

1998-99 Governor's Budget Recommendations (Agenda Tab U). Commissioner Foxley introduced Dr. Brad Winn from the Governor's Office of Planning and Budget, who said an additional \$1.1 million had been added to the higher education budget since the Governor's announcement the previous day. If this is funded by the Legislature, it will mean an upward turn in higher education's proposed share of state funding. Commissioner Foxley acknowledged her appreciation of the Governor's staff for their efforts. Dr. Winn thanked the Board for approving their budget request two months earlier than in previous years. He encouraged feedback from the institutions for improvement of the process for next year. Commissioner Foxley said the challenge is to keep this money in higher education, rather than in transportation or other needed

places. She requested the aid of everyone to help the Legislature see why investing in the state's human resources is more important than investing in the state's physical resources.

Utah Valley State College — Land Acquisition (New Agenda Item). Vice Chair Hoggan said UVSC has the opportunity to acquire a 16.23-acre site adjoining the north of the campus. President Romesburg explained that the college was receiving a substantial donation, which will be announced the following week. This land acquisition involves the partial purchase with a potential of another four acres. The total value is \$2.7 million. The possibility was only presented to college officials earlier in the week. \$1.7 million would be donated, and \$700,00 would come from college funds, half from existing reserves and the other half from vacation pay-out reserves. A donor is willing to loan the money at zero interest, if necessary. President Romesburg asked the Board for permission to purchase this property immediately. Regent Hoggan moved that this item be placed on the agenda for action. The motion was seconded by Regent Zabriskie and carried unanimously.

Regent Cumming expressed his approval of this acquisition, asking that the school work with the Commissioner's office to make sure everything is done appropriately. He moved approval of the \$700,000 financing, subject to approval of the Regents' Executive Committee. The motion was seconded by Regent Atkinson and carried unanimously.

Consent Calendar, Finance and Facilities Committee. Upon motion by Regent Hoggan and a second, the following items were approved:

- a. OCHE Monthly Investment Report
- b. UofU and USU Capital Facilities Delegation Reports
- c. Money Management Report

General Consent Calendar

Upon motion by Regent Hoggan and second by Regent Clyde, the Board approved the following items on the General Consent Calendar:

1. Minutes —

- a. Approval of the Minutes of the Regular Meeting of the Utah State Board of Regents held November 14, 1997, at Southern Utah University in Cedar City, Utah.
- b. Approval of the Minutes of the Executive Session Meeting of the Utah State Board of Regents held October 31, 1997.
- 2. <u>Grant Proposals</u> Approval to submit the following proposals:
 - a. University of Utah Use of Genetically Modified Skin to Treat Disease. CFDA 93.865, \$1,363,859; Gerald G. Krueger, Principal Investigator.
 - b. Utah State University Scor on Acute Lung Injury. CFDA 93.838/Specialized Research Center, \$1,125,174; John R. Hoidal, Principal Investigator.
 - c. University of Utah Molecular, Clinical Approaches to Colon Cancer Precursors, \$2,101,355; Raymond L. White, Principal Investigator.
 - d. Utah State University Slow Inactivation of Sodium Channels, \$1,231,885; Peter Ruben, Principal Investigator.
 - e. Utah State University 1998 Undergraduate Biological Science Education Program, \$2,195,500; Reed Warren, Principal Investigator.
 - f. Utah State University Atmospheric IR Clutter Mitigation, \$4,937,200; James A. Dodd, Principal Investigator.
- 3. <u>Executive Session(s)</u> Approval to hold an executive session or sessions in connection with the meeting of the State Board of Regents to be held January 23, 1998, to consider property transactions, personnel performance evaluations, litigation, and such other matters permitted by the Utah Open and Public Meetings Act.

Board Elections

Chair Anderton opened the floor for nominations for the position of chair. Regent Zabriskie thanked him for his service as Board Chair, saying Chair Anderton had served well and admirably. He nominated Regent Charles E. Johnson as the new chair. Acknowledging that Regent Johnson was a newcomer to the Board, Regent Zabriskie said he brought credibility and stature to the Board of Regents. The nomination was seconded by Regents Cumming and Atkinson. Regent Atkinson moved that nominations cease. Following a second by Vice Chair Clyde, the motion carried unanimously. Chair Anderton congratulated Regent Johnson.

Chair Johnson said he appreciated the opportunity to serve as chair of the Board of Regents. He acknowledged the tremendous talent among the Presidents and staff and said it was a great opportunity to be part of it and to be elected chair by his peers. He thanked Chair Anderton for his service and said he looked forward to spending some time with him. Chair Johnson said he would do his very best to be of service to the Board.

Chair Anderton said it had been his great honor privilege to serve as Board Chair. He said he had had a good time and appreciated serving in that capacity; however, he was happy to pass the gavel to Chair Johnson.

Chair Anderton opened the floor for nominations for Vice Chair. Regent Atkinson moved that Vice Chair Clyde be reelected to that position. The motion was seconded by Regent Cumming. Regent Lund moved that nominations cease. Following a second, the motion carried unanimously.

Chair Anderton expressed his appreciation to Regent Clyde for her valuable service as Vice Chair and to Regent Huntsman before her. He said he had come to respect Regent Clyde's knowledge and abilities. Vice Chair Clyde said she was pleased to accept the nomination again. She said it was not burdensome to be Vice Chair of the Board, and that it had been a wonderful opportunity to work with the other Board members and institutions and those who lead them. She indicated her desire to help in any way possible. She also expressed her appreciation to Chair Anderton and for his conviction of the importance of higher education, not only philosophically, but by the way he has conducted Board meetings.

Commissioner Foxley added her appreciation of Chair Anderton, saying he had been completely accessible at all times — no matter the hour, no matter the challenges to the system. Issues of major importance have taken him away from his family and his occupation which earns money for support of his family, and he has given that time willingly. His past experience as a faculty member has enabled him to understand higher education from a faculty and staff perspective. She added that he has an unusual ability to deal with complex issues and challenges diplomatically and proficiently. She expressed personal regard and appreciation on behalf of the Council of Presidents, who have greatly appreciated Chair Anderton's service and relied greatly on him.

Chair Anderton said some bond closing documents were in process with his signature as Board chair. He asked Tom Anderson of the Attorney General's office how he thought these documents should be handled. Mr. Anderson said the bonds had been printed and mailed the preceding week, listing Regent Anderton as Chair and Regent Clyde as Vice Chair. The documents could be changed, or Regent Anderton could remain Chair until December 31, with delegation to Chair Johnson of everything except the bonds. Regent Cumming moved that Chair Johnson take office on January 1, 1998 and that Chair Anderton leave office on that date. The motion was seconded by Regent Zabriskie and carried unanimously. Chair Anderton then delegated all Board business except the signing of the bond documents to Chair Johnson.

The Board recessed for a brief executive session on a personnel matter. Regent Zabriskie reminded Chair Anderton that the Board had deferred discussion on Agenda Tab C until after the reports of the Board Committees.

The Committee of the Whole resumed its business following a brief executive session. Chair Johnson asked Chair Anderton to conduct the remainder of the meeting.

Proposed Faculty Teaching Workload Report

Associate Commissioner Petersen recommended that the Board approve the proposed steps which had been developed in this report to develop a methodology to allow for reporting of various activities to produce the available credit hour workload for each of the institutions. It is necessary to identify those faculty who are state-funded instructional faculty and establish full-time equivalencies for them. Then it is necessary to review credit loads and apply conversion factors when necessary. This procedure was spelled out in the summary section of the cover memo to Agenda Tab C, and in more detail in the attached

documentation. This process will give a consistent standardized way of measuring faculty workload for each of the institutions, as expected by the Legislature. The Executive Appropriations Committee has requested this information by its December 16 meeting.

Regent Rogers asked if the Presidents had had an opportunity to review this report. Chair Anderton said that the reason for the delay in getting this information to the Board was that the Commissioner's staff was getting the information from the institutions. President Budd said the Presidents all agreed with the need for consistency in reporting. Credibility has been reduced with the Legislature by inconsistent reporting. President Romesburg said the COP had agreed on this approach, which they felt was very conservative. He said some parts of the approach would likely prove troublesome for some faculty. For example, this plan allows no weighting for graduate work, which must be explained and discussed on the campuses. The Presidents have agreed, and the Legislature needs to know this is a very conservative model on which the COP agrees.

President Emert said that by taking such a conservative approach, we lose external comparability. Associate Commissioner Petersen said in terms of complexity, each system has to define its own model. There are no national standards for a comprehensive way of evaluating credit hour loads such as we are proposing.

Regent Lund asked if the Legislature was in a position to work with us for another two months so the Regents could better understand the impact of this plan. Regent Atkinson shared this concern. She said the presidents need to work this through so there is consensus with faculty. Otherwise, this division could be perceived by the Legislature. She said this plan needs the support of everyone before it goes to the Legislature.

President Romesburg said the problem of selling this plan to the faculty was particularly acute at the University of Utah and Utah State University. It is a more conservative approach than most models which were studied and would probably be criticized by some faculty.

President Jones reminded the Board that this would be the "freeze line" as being consistent with the system from now on. She said she was concerned for those variables and inconsistencies at the universities.

Commissioner Foxley explained that the issue was a multiplier of 1.5 for graduate credit. This was discussed with the Legislative Fiscal Analyst, who saw this as inflationary. The Presidents and Commissioner's staff felt it was better not to have that multiplier, but to explain to the Legislature the additional time and effort required by graduate school teaching. There is not a common way of approaching this across the country. The USHE has a wide variety of types of institutions, which makes this a challenge.

Regent Cumming stated that the Legislature wants responsible behavior from the Regents. He said we have to tell Legislators that this issue is too complex to resolve this quickly. He moved that the Board explain to the Executive Appropriations Committee that they did not have sufficient time nor background and that they will keep working on this until it is resolved. Regent Atkinson seconded the motion.

Chair Johnson said Regents need to begin working on this immediately, rather than waiting for Executive Appropriations to meet on Tuesday.

The motion to delay action on this report and explain the reasons for the delay to the Executive Appropriations Committee carried.

Chair Anderton thanked President McIntyre and the University of Utah for their hospitality. Commissioner Foxley reminded those in attendance that more laminated yellow cards which explain the benefits of higher education were available.

Adjournment

The meeting was adjourned at 5:15 p.m.

Joyce Cottrell CPS Secretary to the Board of Regents

Date Approved