Regents Present
Charles E. Johnson, Chair
Aileen H. Clyde, Vice Chair
Pamela J. Atkinson
Brian D. Brown
L. Brent Hoggan
James S. Jardine
Michael R. Jensen
Winn L. Richards
Paul S. Rogers
Maria Sweeten

Regents Excused
Jerry C. Atkin
David J. Grant
Karen H. Huntsman
David J. Jordan
E. George Mantes

OFFICE OF THE COMMISSIONER
Cecelia H. Foxley, Commissioner
Chalmers Gail Norris, Associate Commissioner for Student Financial Aid
Michael A. Petersen, Associate Commissioner for Academic Affairs
Norm Tarbox, Associate Commissioner for Finance and Facilities
Joyce Cottrell, Executive Secretary
Linda Fife, Director of Academic Programs
Edith Mitko, Director of Student Services and Minority Affairs
Whitney J. Pugh, Manager of Budgets and Administration
Phyllis C. Safman, Assistant Commissioner for Academic Affairs
Gary S. Wixom, Assistant Commissioner for Applied Technology Education and Special Projects

INSTITUTIONAL REPRESENTATIVES
University of Utah
J. Bernard Machen, President
Michael B. Benson, Special Assistant to the President

Utah State University
George H. Emert, President
G. Jay Gogue, Provost

Weber State University
Paul H. Thompson, President
David L. Eisler, Provost
Allen F. Simkins, Vice President of Administrative Services
Carol V. Gaskill, Director of Budget and Institutional Research

Southern Utah University
Steven D. Bennion, President
Sterling R. Church, Vice President for Student Activities
Following meetings of the Board Committees, Chair Charles E. Johnson called the Committee of the Whole to order at 12:15 p.m. He excused Regents Atkin, Grant, Huntsman, Jordan, and Mantes. Chair Johnson introduced Gary Doxey, General Counsel to the Governor and asked him to say a few words. Mr. Doxey introduced himself and expressed his pleasure to be meeting with the Regents. He said the Governor's Office is trying to raise the profile of education and to call attention to the fact that higher education is one of the best investments our state can make. Mr. Doxey is also an educator. He received his Ph.D. in Medieval History from Cambridge University and was previously a Professor of History at BYU. Chair Johnson said the Board appreciated having someone in the Governor's Office with an educational background and emphasis. He also introduced Allison McKinstry, newly elected CEU Student Body President for 2000-2001.
Chair Johnson asked President Thompson about the play WSU was presenting at the Kennedy Center in Washington, D.C. the following weekend. President Thompson said five plays from around the country had been selected for presentation at the Kennedy Center. It was very exciting for Weber's The Serpent to be included in that select group. Commissioner Foxley asked President Huddleston to discuss Dixie's accreditation status. President Huddleston said the College had been given the highest recommendation by the Northwest Association of Schools and Colleges on a substantive change in Dixie College's mission to become a four-year institution.

Commissioner Foxley recognized Heather May from the Salt Lake Tribune and welcomed her to the meeting. She also recognized Whitney Pugh, Manager of Budgets and Administration in the Commissioner's Office, who has accepted the position of Budget Director at Lewis and Clark College in Idaho. She thanked him for his work and said he would be missed. Commissioner Foxley also announced that Associate Commissioner Norm Tarbox had attained his doctorate at the University of Utah. She offered her congratulations on behalf of the Board and her staff.

President Jones welcomed the group to CEU. This was the first time the Regents had met in the new College Center. Chair Johnson praised the beautiful building and thanked President Jones and her staff for their efficient handling of the arrangements for the meeting.

Reports of Breakout Discussion Groups

Chair Johnson explained that the purposes for the breakout discussion groups were to better understand tuition issues and policy and to enable the task force being formed to look at an overview of tuition policies and to identify the issues to be studied.

- Discussion Group 1 – Research/Teaching Universities. Regent Mike Jensen, discussion leader, said his group had enjoyed an in-depth, spirited discussion. He asked Associate Commissioner Norm Tarbox, recorder, to outline the critical points developed by the group, and for Presidents Emert and Machen to follow up if they had any comments to add. Dr. Tarbox said the group had addressed five points directly:

  (1) Appropriate Share of Instructional Costs. The group had a difficult time addressing the question, since it is difficult to find comparative data. Specifically, the research universities have components of research which are folded into the costs, making the comparison of tuition and costs different than at the other institutions. The student's share of instructional costs at a research university should be different than for another type of institution. Although USHE policies specify a commonality of policy, it may not be best for the students or the state. A balanced discussion of tuition and tax funds is crucial.

  (2) Four-fold Strategy of Regents to Maintain Access. Utah historically has been a low tuition state. But increases in the 90s have challenged that. One of our performance indicators is based on time to graduation, but increases in tuition without sufficient financial aid can lead to students taking longer to complete their education. We are overburdening our students with loans. The disparity between loans and grants is more severe than ever before. A good balance is needed. For students who do not complete their education, excessive loan debt can be a real burden.

  (3) Tuition and Compensation. Executive Appropriations policy states that one-fourth of the compensation package in higher education is to come from tuition. This hampers the Regents' ability to manage their tuition policy. The group enjoyed a spirited discussion of how this could be changed. The Presidents mentioned that the crucial issue is their ability to use that tuition money. This year the compensation package was set by the Legislature. The Regents had to go back and increase tuition after the session to fully match the package. At some places there are many line items which do not include tuition, and there is no source after the close of a legislative session to "fix" a compensation problem. The result can be inequitable compensation funding.

  (4) Two-Year/Four-Year Differential. President Machen pointed out that in the early 1990s the Regents had a policy of differentiating tuition in an attempt to align comparative tuition. State funding mechanisms do not allow some institutions to benefit from a tuition increase.

  (5) Non-resident Tuition. There is recognition that the Regents have the capacity to increase non-resident tuition. The group discussed creative thoughts about ways to fund the master planning process while differentiating
between the various types of institutions. One example was establishing minimum non-resident increases that would be used in the state funding process, but allowing the Regents and institutions to keep any increases beyond this point. The money could be folded back into the institution, to be budgeted as the institution sees fit. The group requested an immediate review of the statute and Regents' policy regarding differences of resident and non-resident under the law and that a discussion begin about the financial implications of changing those differences, as well as the ramifications on the USHE budget of such a change.

- Discussion Group #2 – Metropolitan/Regional Universities and State College. Regent Paul Rogers was the discussion leader for the group, with Assistant Commissioner Safman as recorder. Regent Rogers said the group began with the premise that there would be no rules. This encouraged the group to think "outside the box." Another premise was adopted, that the most important single message of not funding the Regents' budget request was that the Regents had tools at their disposal which they were not using, primarily tuition. The group creatively looked at utilizing tuition. In the ideal world, we would be content to have a 75:25 split in state-funded tuition. However, we are in the real world so we have adopted a non-specific number and indicated our willingness to think in terms of dramatic increases in tuition designed to address our most dramatic challenges and problems. We do not know all of the ramifications of such an aggressive tuition increase, but student debt would increase. There would be increased pressure on many families, particularly those with multiple students in the USHE. There would be a significant corollary to dropouts unless there was increased student aid in the form of grants, scholarships and reduced reliance on loans. Good counseling, particularly at the beginning of the college experience, can save a student both time and unnecessary expense. This would create access which is not available today. Rather, we are forcing students into a longer, more protracted path to graduation. With greater funding, greater capability of meeting access needs should be provided. The group discussed the possibility of tuition segregated by institution in terms of rates of increase. With differentiated rates, an institution can target its best programs and needs would also be reflected in higher or lower tuition. The group determined that this should be formulated as a package for presentation at more public forums, and ideally consensus should be reached before fall so this can be adequately dialoged in the election process.

**Question 2.** Responding to the specific questions asked, this group felt that the policy requiring that one-fourth of the USHE annual compensation package come from tuition is wrong. Unfortunately, the Legislature does not agree; therefore, the group's advice was to leave this issue alone. The outcome might be tuition increases higher than would be realistic for the tuition/compensation issue. **Question 3.** The group agreed with differentiated tuition between the institutions. **Question 4.** The group agreed that a 3.5:1 ratio is a guideline only. They would look forward to recommendations which are institution specific. Many institutions may want to remain at this guideline. Others may want to increase or decrease this proportion. The definition of a resident probably should be modified. Involvement of the Attorney General's Office would be critical to any suggestion of change by policy or statute. The group was intrigued with the idea of being more aggressive in our definition; however, we need to consider the legal ramifications. Regent Rogers challenged the Commissioner's Office to work with the Attorney General's Office on this issue. **Question 5.** The group supported the 21 programs currently approved and encouraged the institutions to propose more where there is a corollary benefit. Undergraduate differential is probably something we do not want to do. The group disagreed with a tuition differentiation in undergraduate education. **Question 6.** When asking "Is it possible for the institutions to keep more of their own tuition as an internal revenue source?" the group responded with an enthusiastic "Yes." However, more input is needed from the fiscal staff in the Commissioner's Office as to recommendations for future change. Our goal is to provide for reward where tuition is addressed more aggressively in allowing the institutions to retain those funds with the least possible number of restrictions. **Question 7.** It is fortunate this is an election year. Those individuals seeking election should be able to answer this question themselves. Without additional resources, we must use what we have and address aggressively the use of tuition to meet the most important needs of each institution. **Question 8.** The four points shown in the report will be in flux. All are appropriate components. State-based student aid needs to be increased. The group asked Associate Commissioner Norris to provide a summary to each Regent explaining the process and what modifications might be addressed regarding federal policy and how the Regents could be prepared to affect these changes.

Regent Atkinson commended Regent Rogers for his summary. The group emphasized the importance of quality education and how the infrastructure had been underfunded. She requested that §3.8 of Policy R510 be amended by striking "...the Board will consider including a request for a related appropriation increase..." and inserting "...the Board will include a request for a related appropriation increase..." Chair Johnson said Regent
Atkinson's suggestion would be considered by the tuition study group.

Regent Rogers stressed that none of this initiative was designed to replace public support. It will be carefully watched and every media opportunity is to be used as we proceed.

- **Discussion Group #3 – Community Colleges.** Regent Maria Sweeten was Discussion Leader for Group 3, with Associate Commissioner Petersen as Recorder. Regent Sweeten said her group had a very lively discussion. Rather than discussing all of the proposed discussion questions, they chose four or five points which related specifically to community colleges. There was unanimous agreement that the UCOPE base should be strengthened and that the fourfold strategy be revisited. The two-year/four-year discussion centered around an increased mill levy or tax increase. They discussed an average across-the-board increase with a portion staying "off the table." This year one percent was added to our appropriation, to be used for a specific issue at the schools. Associate Commissioner Petersen said a differentiated graduate tuition was another example. If a standard increase in tuition were approved as part of the dedicated credit, a differentiated increase at the research universities could be approved. We would need to get approval from the Legislature that this would not be treated as part of the universities' regular revenues. This could ameliorate some of the previous problems with differentiated increases.

Regent Sweeten said the group had also discussed differentiated tuition by program. Everyone wants to keep tuition low. President Huddleston pointed out that the community colleges are the entrance to middle class. President Day reported on a study he had recently completed which disclosed that out of 1,050,000 jobs in Utah, only 8.4% pay enough to sustain a family of four, and virtually all of those jobs require at least a bachelor's degree or beyond. The subject of resident/non-resident tuition is an issue at some institutions but not at others. During the most recent legislative session, the legislators pointed out that the Regents could raise non-resident tuition. However, it is not necessarily wise to do so. What about the goal of increasing diversity? Associate Commissioner Petersen noted that Nevada has a program of "first course free" where a new college student is entitled to take his/her first class with no tuition charge. He suggested it might be an attractive idea to consider in Utah as a pilot program.

President Emert said Legislative Fiscal Analyst John Massey had indicated that Utah was fifth in taxes collected per capita. We are weakened in the number of residents who pursue a college education. He said he was fearful that higher education revenue would be lost when it was put into the general fund. He was also fearful of losing state dollars as tuition is increased, even though tuition will have to be increased. President Emert expressed his hope that the legislature would be equitable in the allocation we receive and would let the institutions have the flexibility to retain some of the tuition money. Chair Johnson responded that he did not believe that the state percentage must continue to decline.

President Budd said he had just returned from the Annual Conference of the American Association of Community Colleges (AACC). Dr. John Roueche, Director of the Community College Leadership Program at the University of Texas in Austin, pointed out that the phenomenon of decreasing state appropriations at community colleges seems to be a national trend. Community colleges will have to look increasingly to the faculties to generate outside funding for programs and support. This is different from historical community college practice.

**New Task Forces**

Chair Johnson thanked everyone for the productive discussion. He announced the formation of five new task forces: (1) Tuition and Financial Aid, (2) Formula Funding, (3) Internet-based Instruction, (4) Service Area Education Coordination Plans, and (5) Political Outreach. These task forces will meet over the summer and will focus on the discussions begun in this meeting.

**Reports of Board Committees**

**Academic and Applied Technology Education Committee**

*Weber State University – Bachelor of Arts and Bachelor of Science Degrees in Anthropology (Tab A).* Chair Atkinson said officials from the University of Utah and Utah State University had raised questions and concerns which had all been resolved. No other concerns were expressed. Chair Atkinson moved that the Bachelor of Arts and Bachelor of Science Degrees in Anthropology be approved, beginning in Fall 2000. The motion was seconded by Regent Clyde
and carried unanimously.

College of Eastern Utah – Associate of Applied Science Degree in Computer Networking (Tab B). Chair Atkinson noted that more and more people are needed to work in the world of computers. An increasing number of jobs will be available in the next two to three years. Questions were raised by Weber State University and Salt Lake Community College, all of which were answered satisfactorily. Other courses will be developed with Novell's partnership. Chair Atkinson moved approval of the program. The motion was seconded by Vice Chair Jardine and carried unanimously.

College of Eastern Utah – Associate of Applied Science Degree in E-Commerce, Web Design and Development (Tab C). Regent Atkinson commended college officials for their excellent presentation to the committee. The Regents are continually amazed at the colleges' ability to reconstruct funding so that new funding is not required, which indicates creativity throughout the System. With this program, Utah should have some of the best web sites in the country. Chair Atkinson moved approval of the new program. The motion was seconded by Regent Clyde and carried unanimously.

USHE General Education Task Force Report (Tab D). Chair Atkinson observed that USU Professor Ann Leffler had given an excellent report to the committee. Dr. Leffler has been involved with the GE Task Force for seven years, and in her presentation she gave credit to the team. She also thanked BYU for sharing their experience with competency testing in general education to help the USHE avoid making the same mistakes. Dr. Leffler referenced an article by Peter Ewell, who works with Dennis Jones at NCHEMS, which will be sent to the Regents and Presidents. Utah is one of only three states which is doing something creative and innovative about assessment of higher education. The task force is requesting $14,320 for the writing assessment project. The Council of Presidents (COP) have indicated they would come up with the money to fund the pilot study. Associate Commissioner Petersen said it was very important to understand that the task force's approach has been initiated by the faculty. They began by identifying their objectives in each of the areas of general education and are now pursuing assessment instruments to evaluate whether or not the institutions' programs are achieving those objectives. The task force is focusing on three areas which are common to all of the institutions. They believe the schools should be able to make the greatest progress on these programs. Chair Atkinson said the committee had raised the concern that this process may take as long as several years to complete. We need to get data which can be shared with the legislators before then. Results of this process will be discussed with the Chief Academic Officers (CAOs) as well as the COP. Chair Johnson commended the task force for their very progressive report. Chair Atkinson expressed her appreciation to Professor Leffler and asked her to take the Regents' commendations back to the rest of the team.

Information Calendar, Academic and ATE Committee (Tab E). This agenda item was submitted for information only; no action was required.

Consent Calendar, Academic and ATE Committee (Tab F). Chair Atkinson commended Utah State University for its creative efforts in offering a Practical Nursing (PN) Program in Alaska via the Internet. She moved approval of the committee's consent calendar. The motion was seconded by Regent Brown and carried unanimously.

Chair Johnson thanked Regent Atkinson for her excellent report.

Finance and Facilities Committee

Weber State University – Tuition for Criminal Justice Masters Degree Program (Tab G). Chair Hoggan remarked that the Board had dealt with the tuition differential. This proposal was that the 2000-2001 tuition for Weber's Criminal Justice Masters Degree Program be $15 per credit hour less than the MBA tuition, and $5 per credit hour more than the Masters of Accountancy Program. Chair Hoggan moved approval of the recommendation. The motion was seconded by Regent Jensen and carried unanimously.

College of Eastern Utah – Campus Master Plans (Tab H). Chair Hoggan noted that the master plans covered both the Price and San Juan Campuses. The Price master plan has no changes from last year. There is one minor change to the Blanding Campus, dealing with the physical plant. Chair Hoggan moved approval of both plans. The motion was seconded by Regent Jensen and carried unanimously.

Utah Valley State College – Revenue Bonds Authorization (Tab I). Chair Hoggan explained that UVSC's request had already been approved by the Legislature. The bond parameters were set forth on Attachment A. The amount of the
bond shall not exceed $13.5 million at 7% interest for a 30-year maturity. The bonds would be paid with student fees which have been collected for the past two years. Chair Hoggan moved approval of the bonds. The motion was seconded by Regent Richards and was adopted by the following vote:

YEA:
Pamela J. Atkinson
Brian D. Brown
Aileen H. Clyde
L. Brent Hoggan
James S. Jardine
Michael R. Jensen
Charles E. Johnson
Winn L. Richards
Paul S. Rogers
Maria Sweeten

NAY:
(None)

Salt Lake Community College – Receipt of Larry H. Miller Entrepreneurship Center (Ratification of Executive Committee Action) (Tab J). Chair Hoggan said the deed had formally been donated to the College by Larry H. Miller on March 30, and the Executive Committee had authorized SLCC to accept Mr. Miller's generous donation. Chair Hoggan moved that the Board ratify the Executive Committee's authorization. The motion was seconded by Regent Clyde and carried unanimously. President Budd noted that Mr. Miller was proceeding with buildings 3 and 4 on the property. This may enable the College to transfer programs at the Sandy Center and other programs on the Redwood Road Campus to the new site. Mr. Miller's generosity will open many other windows of opportunity for SLCC.

Student Financial Aid – UHEAA Board of Directors Report (Tab K). Chair Hoggan noted that the UHEAA Board would be adopting a new management program on April 19. A new computer system will be installed by early next year. This item was provided for the Regents' information only. Further reports will be made to the Board. Regent Atkinson said a friend's daughter had applied for financial aid at BYU and had trouble understanding the application form. Regent Atkinson accessed the UHEAA web site and was amazed at how easy it was to understand. She commended Associate Commissioner Norris.

Consent Calendar, Finance and Facilities Committee (Tab L). Chair Hoggan noted that on item C, the original program was a six-ton chiller. That has now been doubled now to a 12-ton facility. The resulting increase in cost was $350,000, which would be paid from fuel savings. He praised Weber for their prudent solution to this problem. Upon motion by Chair Hoggan and second by Regent Jensen, the following items were approved on the committee's consent calendar:

a. OCHE Monthly Investment Report
b. 2000-2001 Initial Work Programs
c. Weber State University – Surplus Fuel and Power Reallocation

Chair Johnson thanked Regent Hoggan for his report.

General Consent Calendar

On motion from Regent Hoggan and second from Regent Brown, the following items were approved on the General Consent Calendar:

a. Minutes – Approval of the Minutes of the Meeting of the Utah State Board of Regents held March 16-17, 2000, at Dixie College in St. George, Utah

b. Grant Proposals - Approval to submit the following proposals:
1. Utah State University - Training and Institutional Strengthening for PROMATREC, $1,352,050; Gary Merkley, Principal Investigator.

2. Utah State University - Youth and Families with Promise, $1,214,788; Glen Jenson, Principal Investigator.

3. Utah State University - Development LWIR Scene and Target Generator, $1,504,650; J. Steven Hansen, Principal Investigator.

4. Utah State University - DX Pathfinder Sensor Fabrication and Engineering Support, $11,974,810; J. Steven Hansen, Principal Investigator.

5. Utah State University - SIBERS LOW LWSTG Design and Development Continuation, $1,819,488; J. Steven Hansen, Principal Investigator.

6. Utah State University - Preparing Teachers for the New Millennium, $1,226,162; Steve Soulier, Principal Investigator.

7. Salt Lake Community College - Title III, $351,826; L. Olsen, Principal Investigator.

c. Executive Session(s) — Approval to hold an executive session or sessions in connection with the meetings of the State Board of Regents to be held May 19, 2000, at Snow College, to consider property transactions, personnel performance evaluations, litigation, and such other matters permitted by the Utah Open and Public Meetings Act.

Review of Regents' Policy R135, Institutional Legal Counsel in the Utah System of Higher Education

Chair Johnson said this was an issue of the Attorney General, with a centralized system of providing legal services, agreeing that the institutions have authorization to have their own legal staffs under State Board of Regents' control. Commissioner Foxley observed that our relationship with the Attorney General's Office is very good. With this policy, the Board has authorized the University of Utah, Utah State University and Weber State University to have institutional legal counsel. Other legal needs continue to be met by the AG's staff. The Commissioner referred to a letter from President Machen in the Regents' folders indicating the need for the University of Utah to increase its legal staff.

President Machen said his January 28 letter outlined occurrences at the University since the policy was implemented and last revised. The University can save considerable money by using in-house legal services rather than paying fees to outside legal counsel. Commissioner Foxley referred to §3.1 which calls for "specific" approval of the Board of Regents. Regent Jardine said he felt strongly when looking at other major universities that a research university should have its own in-house legal staff. He interpreted the policy to say that the Regents approved the creation of the in-house legal office and the addition of more legal counsel.

Regent Jardine moved that §3.1 be amended by striking ". . .may appoint full and part-time attorneys . . ." and inserting ". . .may create an Office of Legal Counsel. . ." The motion was seconded by Regent Atkinson. Chair Johnson pointed out that this would give the President(s) the ability to manage the Office of Legal Counsel prudently. Regent Jardine said he felt strongly when looking at other major universities that a research university should have its own in-house legal staff. He interpreted the policy to say that the Regents approved the creation of the in-house legal office and the addition of more legal counsel.

Regent Jardine noted that §3.5 called for reviews to be carried out at "five-year intervals," while §3.10 required "an
"annual report" and §3.8 called for "coordination" by the Office of the Commissioner. He requested the Commissioner's staff to clarify these variances. The offices of legal counsel should be coordinating with each other and with the Attorney General's Office. He gave as an example the protection of intellectual property and said there should be synergy between the three institutions. Chair Johnson requested a complete review of this policy in light of the changes just made. Vice Chair Clyde said the report would be useful to the Regents; however, the last report submitted by the University a few years ago was much too long to read.

Adjournment

Chair Johnson announced that the previous evening's executive session meeting of the Regents had been carried over and would convene immediately following adjournment of the Committee of the Whole.

Commissioner Foxley asked the Regents to notify Joyce Cottrell if they did not have academic regalia for the institutions' commencement exercises. She noted that as much of the agenda as possible had been posted to the USHE web site (www.utahsbr.edu). The Presidents are now making their own copies or downloading them from the web. She also recalled that the Board had gone on record several years ago to disallow dangerous weapons – concealed or unconcealed – on our campuses. Policies are in place to that effect. The Board reaffirmed that position a few months ago. She noted that petitions were being circulated by the Safe to Worship/Safe to Learn Coalition in an effort to place a proposition on the ballot in the November election. Harden Eyring had copies of the petition available for individuals wanting to sign them or circulate them among their friends and neighbors.

Chair Johnson thanked President Jones and her staff for their hospitality and the great treatment of the Regents. He thanked the Regents and Presidents for their participation in this productive meeting in a short period of time.

The meeting was adjourned at 1:37 p.m.

Joyce Cottrell CPS
Executive Secretary

Date Approved