

MINUTES OF MEETING
UTAH STATE BOARD OF REGENTS
MARCH 2004

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MINUTES OF MEETING
UTAH STATE BOARD OF REGENTS
SOUTHERN UTAH UNIVERSITY
MARCH 11, 2004

Regents Present Regents Excused

Nolan E. Karras, Chair Daryl C. Barrett
E. George Mantes, Vice Chair Kim R. Burningham
Jerry C. Atkin Charles E. Johnson
Linnea S. Barney Sara V. Sinclair
Bonnie Jean Beesley
William Edwards
David J. Grant
James S. Jardine
Michael R. Jensen
David J. Jordan
David L. Maher
Jed H. Pitcher
Marlon O. Snow
Maria Sweeten

Office of the Commissioner

Richard E. Kendell, Commissioner
David Buhler, Associate Commissioner for Public Affairs
Don A. Carpenter, Executive Assistant
Joyce Cottrell, Executive Secretary
Kimberly Henrie, Budget Analyst
Brad Mortensen, Assistant Commissioner for Finance and Facilities
Chalmers Gail Norris, Associate Commissioner for Student Financial Aid
Phyllis C. Safman, Assistant Commissioner for Academic Affairs
Mark H. Spencer, Associate Commissioner for Finance and Facilities
Deanna D. Winn, Associate Commissioner for Academic Affairs
Gary S. Wixom, Assistant Commissioner for Applied Technology Education and Special Projects

INSTITUTIONAL REPRESENTATIVES

University of Utah

A. Lorris Betz, Interim President
David W. Pershing, Senior Vice President for Academic Affairs
Christopher Johnson, Professor of Computer Science
Nancy S. Lyon, Assistant Vice President for Governmental Affairs
Laura Snow, Special Assistant to the President

Utah State University

Kermit L. Hall, President
Lee H. Burke, Assistant to the President for Government Relations
Noelle Cockett, Dean, College of Agriculture
Ron Godfrey, Vice President for Business and Finance
Richard W. Jacobs, Budget Director
Joyce Kinkead, Vice Provost for Undergraduate Studies and Research
Dinesh Patel, Member, Board of Trustees

Sydney M. Peterson, Assistant Provost

Weber State University

F. Ann Millner, President

Kathleen Lukken, Interim Provost

Norman C. Tarbox, Jr., Vice President of Administrative Services

Southern Utah University

Steven D. Bennion, President

Abe Harraf, Provost

Snow College

Michael T. Benson, President

Gary C. Arnoldson, Controller

Dan Black, Assistant Professor of Chemistry

Bradley A. Winn, Provost

Dixie State College

Robert C. Huddleston, President

Phil Alletto, Vice President for Student Services

College of Eastern Utah

Ryan L. Thomas, President

Clifford Coppersmith, Vice President for Academic Affairs

Brad King, Vice President for Institutional Advancement and Student Services

Grady McEvoy, Theater Instructor

Utah Valley State College

William A. Sederburg, President

David Bradford, Member, Board of Trustees

Brad Cook, Vice President of Academic Affairs

Val Peterson, Vice President of Administration and External Affairs

Salt Lake Community College

Judd D. Morgan, Interim President

Julie Curtis, Assistant to the Academic Vice President

Rand A. Johnson, Executive Assistant to the President

David Richardson, Vice President of Academic Services

Dana Van Dyke, Budget Director

Trenton Kemp, Student Body President

Utah College of Applied Technology

Gregory G. Fitch, President

Linda Fife, Vice President for Academic and Student Services and Campus President, Salt Lake-Tooele ATC

Representatives of the Press

Shinika A. Sykes, *Salt Lake Tribune*

Stephen Speckman, *Deseret Morning News*

Others

DeMar "Bud" Bowman, Utah House of Representatives
Michael Christensen, Director, Legislative Research and General Counsel
Richard Ellis, Director, Governor's Office of Planning and Budget
Boyd Garriott, Office of the Legislative Fiscal Analyst
David Harmer, Educational Development Corporation of Utah
Debbie Headden, Office of the Legislative Fiscal Analyst
Steve Kroes, Executive Director, Utah Foundation
David Longanecker, Executive Director, Western Interstate Commission for Higher Education
John Massey, Legislative Fiscal Analyst
Michael A. Petersen, Executive Director, Utah Education Network
David Spann, The Ralston Consulting Group
John Sutherland, Brigham Young University
Kevin Walthers, Office of the Legislative Fiscal Analyst
Darrell White, Governor's Deputy for Education

The meeting of the Committee of the Whole was called to order at 10:10 a.m. by Vice Chair George Mantes. He mentioned that he had enjoyed attending Utah State University's Founders Day Banquet, along with some other Regents.

Regent Mantes pointed out that higher education is at a critical point. If we compete with public education for state funds, higher education will always come out in second place. This makes it imperative to do some strategic planning. As explained in Tab A, three focus groups will deal with some of the major issues facing higher education. Regent Mantes urged everyone to listen carefully to the facilitators and participants. Commissioner Kendell explained where each of the groups would be meeting. The group dismissed to the individual group discussions at 10:15 a.m.

The meeting of the Committee of the Whole reconvened at 1:30 p.m. Vice Chair Mantes announced that there were still golf tee times available on Saturday morning, thanks to Regent Beesley and her husband, Brent. The Beesleys are also hosting a concert on Friday evening in St. George. He thanked Regent Beesley for her generosity.

Regent Mantes thanked President Bennion and his staff for being such great hosts to the Regents. He excused Regents Barrett, Burningham, Johnson and Sinclair.

Reports of Discussion Groups

Vice Chair Mantes said the focus groups have defined the Regents' workload for the coming year. He thanked the facilitators for doing an excellent job.

Resource and Development

David Spann of the Ralston Consulting Group, formerly the MBA Director for Westminster College, was the facilitator for this group. He explained that the group was interested in the major actions which need to take place in the

state to increase, enhance and enlarge technology transfer and commercialization. What kind of policies might the Board consider to help this go forward? If there were a Technology Transfer and Technology Commercialization Summit, who should come to Utah to help us better retain and enhance our best qualities and products? Regent Jardine said the group had talked about inviting Brigham Young University, the University of Utah, and Utah State University, along with leaders in business and industry and others, to work together to decide on and implement best practices. There is a vital need to create incentives for faculty to get patents and commercialize them. Researchers need to share their inventions. The state needs to see research as an important function that will lead to renewing support of the funding formula.

Six key initiatives were identified to drive research and development:

1. The need for world-class research institutions
2. Creating and retaining a critical mass of talent at our institutions
3. Creating a degree of collaboration among research institutions and between institutions and business and industry
4. Making the Technology Transfer Offices (TTO) more effective
5. Passing the proposed amendment to the State Constitution to allow institutions to take an equity stake in companies which license technologies; articulate and advocate that need
6. Finding alternative sources of funding to support and sustain all of the foregoing

Recommended actions the Board of Regents and Commissioner's Office could take in ensuring that technology transfer is effectively administered and driven in the state:

1. Ensure Regents understand how graduate education is funded in the State of Utah
2. Allocate funding for the building of research laboratories
3. Authorize the development of a report on how technology transfer offices are operated. Educate the Board of Regents on the TTO process. Ensure this is reported on an annual basis.
4. Make sure the Regents clearly support the Venture Capital Enhancement Act
5. Support the Engineering Initiative and Centers of Excellence
6. Find money to pay top salaries to leading researchers
7. Find the best and most appropriate ways for USU and the UofU to work with the other eight institutions of higher learning in the Utah System of Higher Education
8. Support the proposed Constitutional Amendment for equity investment by institutions in companies
9. Create a culture where intellectual ideas and research are valued

Quality, Productivity, and Performance Funding

Dr. David Longanecker, Executive Director of the Western Interstate Commission for Higher Education (WICHE), was the facilitator for this group. Dr. Longanecker stressed the "P's" that are important in creating accountability: Philosophy, Practice, Practicality, and Politics. It is first important to know what you want to do before you can determine if you are achieving quality and productivity. Goals need to be clearly stated and studied. Quality includes access, relevance to the interests of the state, and efficiency. It requires collaboration and working with others. The Board of Regents has responsibility, as do the Legislature, the Governor and other institutions. There must be collaboration between all groups on goals and measures.

The group offered the following suggestions:

1. Work more directly with the Legislative Fiscal Analyst's (LFA) Office to ensure agreement in the information coming forward.

2. Work more directly with other key stakeholders (Legislature, Governor's Office, etc.) to review accountability measures annually.
3. Strive for data neutrality. As cheerleaders for the System, make sure to have very strong and neutral data. Good data is imperative but it is not everything. Too much data is worse than no data at all.
4. Try to find the right balance between being a provider of external validity for the System and being the internal advocate of accountability (holding institutions accountable).
5. Keep your goals simple and few. Help others understand succinctly everything they should know about higher education.
6. A strong accountability system needs to reflect the culture of the area. Utah is a frugal state, and its citizens want their tax dollars spent wisely.
7. Improve technology to help the interface between higher education and secondary education to reduce the necessity of remedial education.
8. Politics are an important part of the overall accountability of the system. Find a way to work within the political system.
9. Improve collaboration with the Legislature and the Legislative Fiscal Analyst's office. Rather than having the usual hearings, foster a roundtable for good discussion. Discuss how we view and interpret data.
10. We need to tell our story better. Perhaps we need to talk more about our challenges to maintain quality because of the budget shortages.

Commissioner Kendell said exemplary states have developed an annual accountability report, in fulfillment of the mission of higher education. Dr. Longanecker gave some good examples and some bad examples of such reports. Chair Karras noted that at least one of our institutions measures outcomes – Did the students get what they wanted? Did employers get what they needed? How well did courses transfer?

Enrollment Growth

Drs. Art Hauptman and Tony Morgan were the facilitators for this group. Utah's challenge is accommodating a 20 percent growth in enrollment with a diminishment of state resources. Dr. Morgan said this is a long-term issue. The higher education proportion of the state budget has been decreasing across the nation. Utah has seen a decline of approximately 25 percent since 1986. This means we need to rethink how we fund growth. Times have changed, resulting in a continuum between a market-driven environment and a regulatory environment. It is critical that financial aid be increased as tuition is increased.

The group determined the role of the Regents to be:

1. Make funding more strategic
2. Define the extent of the move to market-driven education
3. Set the rules for market interactions, i.e., institutional roles and missions, program approval, approval of tuition levels

Suggested policy categories were:

1. Institutional structural and enrollment management
2. Funding
3. Tuition and fee policies
4. Student financial aid

Several objectives were given:

- A.. Close chronic equity gaps
- B. Accommodate growth
- C. Preserve or improve quality

- D. Look at both supply and demand
- E. Be more strategic in providing funding and setting tuition and fees (5-8 percent of the state's higher education budget should go to financial aid.)

Chair Karras said the group had begun by discussing specific things that could be done to accommodate growth. The discussion evolved toward incentivizing schools to do what is needed so that the solution is not "one size fits all." This incentive should be included in the funding formula. We need to decide how far on the continuum we should move. The concept of having the Legislature give the appropriation to the Regents and letting the Regents allocate it is advantageous for everyone. Chair Karras and Fiscal Analyst Boyd Garriott agreed to discuss this issue with the Legislative Fiscal Analyst's Office.

Vice Chair Mantes asked, "Where do we want to go from here?" Commissioner Kendell said these discussions had been a way of raising issues which must be addressed. He said he was not looking for an immediate solution, but rather to determine the critical issues to be addressed. He cautioned that the State should not move too quickly to a system where the entire financial burden is on the students; the State still has a major responsibility. We need to determine the proper ratio of state resources, tuition, financial aid, etc..

Commissioner Kendell said he appreciated the collaborative efforts of the institutions. This is a long-term issue and may take several months. Are there ways we can be more productive? Are there things we are overlooking? There is a deeply seated sentiment in Utah that higher education could be more efficient. What are the performance measures which will be reflected in next year's budget request? Regent Jardine said in the R&D discussion group, there had been agreement that Utah needs world-class institutions. Will there be an agreement on what it means to be world-class, and should we be aiming in that direction? Are we aiming in a different direction than the Legislature?

Regent Jordan said much good work had been done, but there is yet much staff work to be done before the group meets again. Another issue is communicating this information to the public and to the Legislature. In the area of accountability, particularly with the Legislature, we need to sponsor a discussion involving legislators, representatives of the Legislative Fiscal Analyst's office, Presidents, Regents and others where everyone would have the opportunity to tell what they care about.

Commissioner Kendell asked if many states were funding their institutions on the basis of performance measures. Dr. Hauptman said the states which do this provide a very small percentage of their budget toward performance measures. It must be built into the funding formula and the right measures must be determined. However, institutions will do a lot to get even a very small percentage of funds.

The Commissioner said these are significant tasks, and it is an incremental process. He will work with the Council of Presidents to come up with the most pressing issues and an action plan. A summary of all three focus groups will be distributed for the April 16 Board meeting, along with future directions from each group. This summary will be the work plan for the State Board of Regents during the next few months. Dr. Kendell stressed that this would require the involvement of the institutions. He and the Presidents will look at exemplary states and put together profiles. They will then prepare a report with reliable information which will help the Regents and Presidents to work with individual legislators and with the greater community.

Chair Karras said the discussion groups and reports had been a very good use of the Regents' time. He applauded Commissioner Kendell and his staff for getting the Regents to this point. Perhaps future agendas should deal with these issues. We cannot continue to do "business as usual;" rather, we need to find out how to do it better. We need

to show the Legislature our willingness to be creative, but also help them recognize that there is still a huge need for state resources.

Commissioner Kendell said the future of UCAT in the state was not discussed in these meetings. He will come back with ideas on that issue. Progress is being made. Other issues will also be presented in future meetings.

Following a short break, the meeting reconvened at 3:55 p.m.

Review of 2004 Legislative Session

Commissioner Kendell referred to Tab B and said this had been an interesting session with a few surprises. For the past two years, the higher education budget was cut by the Legislature. This year there were no budget cuts. He was pleased that funds had been allocated for compensation. We were hopeful for a two percent COLA increase, but that has been split. He asked Associate Commissioner Mark Spencer to talk about the budget and capital facilities issues, Assistant Commissioner Brad Mortensen to talk in more detail about budget adjustments, and Associate Commissioner Dave Buhler to discuss specific legislation. He thanked the Presidents, Regents, Institutional Legislative Representatives, Commissioner's staff, and everyone else who worked hard during the session to represent the interests of higher education.

Capital Facilities. Associate Commissioner Spencer referred to Attachment 2 to Tab B, Legislative Action on Capital Development for 2004-05. Three higher education facilities were funded by the Legislature, and a total of \$43.9 was appropriated for capital improvements (AR&I funds). Capital improvements includes such critical needs as roofs, HVAC systems, etc. Higher education receives approximately 60-65 percent of those funds. Other funding projects were shown at the bottom of the page, including the remaining two floors of the State Board of Regents Building. President Sederburg asked the meaning of "future state O&M." Dr. Spencer explained that it is anticipated need for maintenance when the buildings are completed, although it is not in state law. WSU Vice President Norm Tarbox clarified that O&M appears in statute when buildings are approved. Kevin Walthers, Fiscal Analyst for Capital Facilities, said the O&M amount is a cap for future requests if funds are available.

Regent Jardine asked if the Q&P rankings had been taken into consideration by the Legislature. Commissioner Kendell said the Q&P process adds accountability and has been worthwhile over time. Chair Karras said when he served on the State Building Board, that board followed the rankings of the Regents. Determining Q&P is still a valuable process for the Regents. Commissioner Kendell thanked Mr. Walthers for his help with options on the SLCC Metro Campus and for getting reliable, accurate data to the Legislature on the Board of Regents Building.

Assistant Commissioner Mortensen referred to Attachment 1, Summary of Appropriations, 2004 General Session, and said that the System had seen an overall increase of 3.8 percent in state funding above the base budget for FY2005. Of that, 2.7 percent is the increase in ongoing funds, and 1.1 percent is one-time funding. He pointed out the internal reallocations of more than \$24 million, which were specified in legislative intent language. The State allocated funding for compensation – 1 percent for an ongoing salary increase for all employees and 5½ percent for increases in health and dental insurance and retirement. In addition, the Legislature allocated one-time funding for a salary bonus to be distributed equally for all higher education employees. Assistant Commissioner Mortensen pointed out the summary of allocations to the institutions and UEN, as well as the budget comparisons on page 5 of Attachment 1. Pages 7-8 showed higher education's historical share of the state general fund and school fund general appropriations. Mr. Mortensen explained the Legislative intent language (Attachment 3) which directed this year's tuition increases.

Regent Jardine asked why the Legislature had included tuition limits in intent language. Boyd Garriott explained that the Legislature's intent was to put a ceiling on the tuition. As a second source of revenue, this intent was to help fund O&M and institutional fuel and power costs. Commissioner Kendell said this had been the most troubling part of the 2004 Legislative Session because it violated the Regents' pact with the students. Mr. Garriott said the advice received from Legislative Counsel was that if the ceiling was not put on tuition, the institutions could go back and ask for additional second-tier tuition. Associate Commissioner Buhler explained that the final result was that the Presidents were given flexibility to determine institutional reallocations and that fuel and power and O&M costs were not directed to be paid with second-tier tuition.

President Hall said that although the Presidents regained flexibility in being able to address these issues as they see fit, it is clear that Truth in Tuition and the Legislature's desire to govern their desirable outcomes were in conflict.

Regent Jordan said the legislators were "getting heat" from their constituents on the subject of tuition increases. The reality is that the Legislature will not continue to fund state dollars to the extent they have in the past, and they will begin limiting tuition. This will put more and more pressure on internal reallocation in the future. Commissioner Kendell pointed out that this was not statutory, but was intent language for this year only; however, it is possible this will continue in subsequent years. He said in many states tuition is being increased to fill the void left by decreasing state support, and tuition is being capped.

Regent Jardine stated the Legislature has the right to say there is not enough money and this is all we can give higher education. However, to say that we must use second-tier tuition to make up for what the state did not fund is fundamentally wrong. Will the state also take away our ability to meet our obligations to the students to deliver what we have promised by our own best judgment? Vice Chair Mantes said this was a vital reason for meaningful dialogue at the State Capitol.

Chair Karras said we need to follow up with legislative leadership. The Truth in Tuition hearings were held early this year at the request of the Legislature, and it worked to our disadvantage. We have gone from 27 percent to 33 percent in four years as the students' share of the cost of education. This share may get as high as 35 percent. Before voting on tuition increases next year, we should have an idea of a percentage of the total and have this discussion with the legislative leadership and the Governor. We cannot continue to increase tuition by 10 percent every year. At least half of our students are borrowing for their education. Vice President Pershing pointed out that the students are mostly earning their tuition money themselves.

President Hall said a market economy for higher education makes little sense if the Legislature will determine the price. We need to be realistic about what it costs to operate the institutions in an affordable way. He pointed out that the USHE has actually taken a \$24 million budget cut because of the internal reallocation. Funds expended in fuel and power and O&M must be reallocated within the institutions. It is offset by some tuition increases, but those expenses must be paid.

Commissioner Kendell asked, How can we expect to accommodate another 30,000 students without state support and increased tuition? Regent Jordan asked about making three tiers of tuition. We need to keep faith with the students when we tell them that they get to tax themselves in return for choosing how the money is spent. We should protect the sanctity of that agreement. Second-tier tuition should be preserved to stay in the institution, but we should not pretend to have a compact with the students if we cannot keep faith with them.

Associate Commissioner Buhler pointed out the bills which affected higher education. He expressed his appreciation for the participation of Regents, Trustees, Presidents, and students at the luncheon early in the session.

Throughout the session Mr. Buhler met twice weekly with the institutional legislative liaisons. He recognized those who were present. Higher education officials also worked closely this year with the student body presidents and lobbyist. He recognized Trent Kemp, SLCC Student Body President and President of the Utah Student Association, and Happy Peterson, the student lobbyist.

The USHE Final Report on the 2004 Legislative General Session was attached to Replacement Tab B. This report tracked key legislation of interest to higher education. This year higher education did not request any legislation except for the Appropriations Act and the Bond Bill. Associate Commissioner Buhler briefly discussed the bills and offered to respond to questions.

Vice Chair Mantes recognized Representatives Brad King and David Clark and thanked Commissioner Kendell, Associate Commissioner Buhler and their team for the remarkable job they did during difficult circumstances.

President Benson referred to SB 48, Uniform Firearms Laws, and asked what would happen next. President Betz said there is a suit before the State Supreme Court which was not completely resolved by this legislation. The University will be seeking resolution on these issues.

Vice Chair Mantes announced that the Regents' executive session meeting, which had been scheduled to immediately follow this meeting, had been canceled. He gave instructions on the location of the Regents' dinner meeting with the SUU Board of Trustees.

MINUTES OF MEETING
UTAH STATE BOARD OF REGENTS
DIXIE STATE COLLEGE, HURRICANE CENTER
March 12, 2004

Regents Present

Nolan E. Karras, Chair
E. George Mantes, Vice Chair
Jerry C. Atkin
Linnea S. Barney
Bonnie Jean Beesley
William Edwards
David J. Grant
James S. Jardine
David J. Jordan
David L. Maher
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Richard VanAusdal, Campus President, Dixie Applied Technology College

Representatives of the Press

Shinika A. Sykes, *Salt Lake Tribune*

Stephen Speckman, *Deseret Morning News*

Others

David Clark, Utah House of Representatives
Boyd Garriott, Office of the Legislative Fiscal Analyst
Debbie Headden, Office of the Legislative Fiscal Analyst
John Massey, Legislative Fiscal Analyst
Kevin Walthers, Office of the Legislative Fiscal Analyst
Darrell White, Governor's Deputy for Education

Vice Chair Mantes called the meeting to order at 8:40 a.m. He expressed his delight on his first visit to Hurricane and thanked President Huddleston for his hospitality. Regent Mantes said Commissioner Kendell's father-in-law had suffered a massive stroke the previous evening and that Dr. Kendell and his wife, Joan, had driven back to Salt Lake City to be with the family. The group adjourned to committee meetings at 8:45 a.m., and the Committee of the Whole reconvened at 10:48 a.m.

REPORTS OF BOARD COMMITTEES

Academic, Applied Technology Education, and Student Success Committee

Revisions to Policy R401, Approval of New Programs, Program Changes, and Discontinued Programs (Tab C). Chair Jardine said the policy continues to be refined. The moratorium and exceptions thereto are still in effect. Page 13 of the policy clarifies "institutional readiness." **The committee approved the policy and Chair Jardine moved its approval by the entire Board. The motion was seconded by Regent Sweeten and carried unanimously.**

Snow College – Mission and Roles Statement (Tab D). Chair Jardine said President Benson had made an excellent presentation to the committee on the process which led to this statement. On the first of the seven functions, he noted that 70 percent of Snow students transfer to another institution, with special emphasis on the liberal arts and sciences. Many of those students transfer to Utah State University. The balance of the statement points out the college's role in economic development and the other roles of the college. The committee was very pleased and approved the statement. President Benson said it had been a long process to solicit input from the various entities. Snow College has issued an RFP for partners to help offer additional courses for their students. He thanked the committee for their consideration. Chair Jardine said Snow College might use other institutions to help the students stay in Ephraim for their third year and go to USU or the University of Utah for their fourth year. The committee encouraged President Benson to be entrepreneurial in the college's efforts. **Chair Jardine moved approval of Snow College's Mission and Roles Statement. The motion was seconded by Regent Sweeten and carried.**

Consent Calendar (Tab E). Chair Jardine commented on some of the items in the committee's Consent Calendar. The University of Utah's Brain Institute has determined the University's Center for Peptide Neuropharmacology to be one of their focus areas for research. It is a very important undertaking for the University. The Institute for Combustion and Energy Studies is another appropriate development. This is headed by Senior Vice President Dave Pershing. The committee discussed CEU's discontinuance of its Mining Department. Because of the economic and historical significance of mining in the Carbon County area, the committee expressed some concern. Vice President Brad King explained that the training had been transferred to UCAT, which is a better fit. The University of Utah continues to offer a mining degree, but most of the CEU students interested in this area are pursuing a degree in engineering rather than in mining. Also on the Consent Calendar were two items for Salt Lake Community College - a Miller Business Innovation Center, which will incubate small start-up businesses, and the restructuring of the Electronics and Computer

Technology Department into two separate departments: Electronics Technology and Telecommunications. **Chair Jardine moved approval of the committee's Consent Calendar. The motion was seconded by Regent Beesley and carried.**

Information Calendar (Tab F). Chair Jardine said the items on the Information Calendar were self-explanatory.

Transferability of Credit among Higher Education Institutions: Legislative HB 320 Update (Tab G). Chair Jardine said the committee had discussed this issue at length. HB320 was a bill passed in the 2004 Session encouraging the System to look at issues of transferability. Since there were 40 co-sponsors of this particular bill, the committee thought there may be a disconnect between our perception and the public's and/or legislators' perceptions. Majors meetings are scheduled for later this month in which the heads of Academic Majors programs will dialogue about these issues. Chair Jardine said a full report would be presented to the Board in the future. He pointed out that this could be a very expensive process and the timetable needs to be realistic. Although we think we are making good progress on this issue, legislators continue to receive calls from students with transfer problems. Associate Commissioner Winn said no matter how perfect the system is, it is still the students' responsibility to get the correct information and take the right classes. Chair Jardine noted there were 568,000 course options in the System. Chair Karras suggested legislative outreach on this issue. Regent Beesley said the committee had discussed the significant cost of renumbering even one course.

Resolution on Higher Education Remedial Classes: A Preliminary Report (Tab H). Chair Jardine said a bill had been passed by the Legislature regarding remedial education, which was also one of the Governor's challenges to higher education. The report behind Tab H is an overview and is for information only. Regent Beesley pointed out the work of the Pew Charitable Trust. Chair Jardine said the committee had asked the staff and Graduate Deans at the University of Utah and Utah State University to develop a report on graduate education in the System – its purposes, how it relates to teaching in the research universities, how it is funded, etc.

Next, the committee asked the staff to develop a proposed resolution for the Regents to consider endorsing the proposed constitutional amendment for equity investment.

Finally, the committee proposed that Chair Jardine be authorized to appoint a subcommittee to work with the Technology Transfer Offices of the two research universities and BYU, private industries and venture capital firms to see if we are engaged in best practices and how we can aid in technology transfer. Some of the institutional trustees have extensive expertise in this area and could also work with the subcommittee. Chair Jardine moved that the Board authorize him to appoint a Technology Transfer Subcommittee. Chair Karras pointed out that Regents Barrett, Pitcher, Jensen, Johnson and Mantes had already been appointed to serve on a Research and Development Committee. Chair Jardine amended his motion to move that Chair Karras appoint a committee in consultation with Regent Jardine. Chair Karras applauded the efforts and said that this was the way we should move forward. Chair Jardine withdrew his motion.

Vice Chair Mantes thanked Chair Jardine for his report. Chair Jardine was then excused to return to Salt Lake City.

Finance, Facilities and Accountability Committee

USHE – Proposed 2004-2005 Fee Increases (Tab I). Chair Pitcher pointed out the Replacement Tab I in the Regents' folders. The reasons for fee increases vary according to the needs of the institution. The average increase is approximately 5 percent. General fees are an average of 17 percent of tuition. **Chair Pitcher moved approval of the proposed fee increases. The motion was seconded by Regent Grant and carried.**

USHE – Capital Improvement Priorities for 2004-2005 (Tab J). Chair Pitcher said the Legislature had appropriated \$43 million for capital improvements, of which approximately \$26 million will be appropriated to the Utah

System of Higher Education. **Chair Pitcher moved approval of the capital improvement priorities for 2004-2005. The motion was seconded by Regent Atkin and carried.**

USHE – Report and Potential Actions on Early Retirement Incentives (Tab K). Chair Pitcher said additional information had been collected since the January Board meeting, and additional discussion has taken place among the USHE Presidents. Institutions are being asked for more consistency among their retirement programs. They will be providing cost and performance data annually and that information will be shared with the Legislative Fiscal Analyst.

Chair Karras said he was disturbed by the data. Assistant Commissioner Mortensen said these numbers are for one year only in a year in which there were budget cuts and the institutions were trying to minimize their payrolls. We do not know if this is a trend or an annual pattern. Regent Atkin said it was his understanding that this is being used as a management tool by the institutions. President Thomas said for CEU both of their early retirees were urged to retire, and it was in response to a budget cut. President Benson said at Snow College, the employees were highly paid administrative personnel who were given incentives to retire to effect budget cuts. Chair Karras said he felt better knowing that this is an management tool for one year. However, he hoped that it was not an ongoing practice.

Dr. Pershing pointed out that higher education does not have a mandatory retirement age. Normally this program applies to employees between the ages of 60 and 65. President Millner said early retirement was a bridge to Social Security. Regent Jordan said this was problematic because the Regents told the Presidents to cut their budgets and in a personnel-heavy budget, this is how they cut budgets. He suggested that this be retained as a management tool. Regent Sweeten pointed out that institutions have also laid off staff and made other budget cuts.

Chair Pitcher moved approval of the seven action items listed on page 2 of the Commissioner’s cover letter. The motion was seconded by Regent Maher. The motion carried.

Southern Utah University – Campus Master Plan (Tab L). **Stating that there were only modest modifications to SUU’s Campus Master Plan, Chair Pitcher moved its approval. The motion was seconded by Regent Atkin and carried.**

Southern Utah University – Purchase of Property Near Campus (Tab M). Chair Pitcher said the University was proposing to buy two pieces of adjoining residential property on 200 North near the SUU campus. The properties will be purchased at their appraised values (\$260,000 and \$97,000, respectively) with discretionary funds and proceeds from the sale of other property. **Chair Pitcher moved approval of the purchase. The motion was seconded by Regent Atkin and carried.**

Dixie State College – Campus Master Plan (Tab N). Chair Pitcher said Vice President Stan Plewe had made an excellent presentation to the committee. **Chair Pitcher moved approval of Dixie’s Campus Master Plan. The motion was seconded by Regent Grant and carried.**

Consent Calendar (Tab O). **On motion by Chair Pitcher and second by Regent Maher, the following items were approved on the committee’s Consent Calendar:**

- A. UofU and USU – Capital Facilities Delegation Reports
- B. UofU – Sale of Donated Property
- C. UCAT – Approved Tuition Rate Exception for SWATC

USHE – Update on Policy R513, Tuition Waivers and Reductions (Tab P). Chair Pitcher reported that the staff had been asked to review institutional procedures used to award tuition waivers. The report found a wide variety among the institutions. Chair Pitcher referred to the USHE 2004-2005 Data Book and said Tab F, pages 22-23, showed more than \$31 million in tuition waivers. Assistant Commissioner Mortensen will ascertain how many actual students receive this benefit. The committee will continue to discuss this issue when more data has been obtained. The committee will also hear the results of a special study done at UVSC.

Proposed Review of Delegation of Responsibilities to Trustees and Presidents (Tab Q). Associate Commissioner Spencer recalled that Policy R220, *Delegation of Responsibilities to the President and Board of Trustees*, had been on the agenda for the January Board meeting. A change would have been proposed to the policy to close a loophole for areas which are not covered. However, the Commissioner determined that it would be better to review and fine-tune the policy and make all necessary changes at one time. The Regents will receive the document on May 3 for discussion in the June 3-4 Board meeting.

Utah Valley State College – Baseball Stadium Use Agreement (Tab R). Chair Pitcher commended President Sederburg and Vice President Val Peterson for the excellent document. There will not be any alcoholic beverages sold for these baseball games, but there may be Sunday games.

Health and Dental Benefits. Chair Pitcher reported a lengthy discussion in committee about premium increases, employee cost sharing, etc. The committee will continue to discuss this issue. Chair Pitcher noted that there was still a long way to go.

Audit Committee Meetings. Chair Pitcher reported that the Regents' Audit Committee had met on March 11 with the SUU Audit Committee and would be meeting with the Dixie Audit Committee after the luncheon meeting. He reported that CEU, Snow College and USU are the only institutions yet to meet with the Audit Committee.

Final Action on 2004-2005 Tuition

Associate Commissioner Spencer said Commissioner Kendell had planned to summarize the information in Tab S. In his absence, Dr. Spencer reported that legislative intent language had lowered first-tier tuition at USHE institutions to 3 percent, which must be approved by the Board of Regents. Additional intent language setting ceilings on the second-tier tuition will require Board approval. Pages 2 and 3 of the Commissioner's cover letter explained how the tuition would be used at each institution. The four universities also have differential graduate increases which require Board approval. Attachment to Tab S (in the Regents' folders) summarized the tuition proposals. The average tuition increase is 9.3 percent for resident students. Attachment 2 explained the differential tuition increases for graduate programs. Attachment 3 showed historical increases for the past 10 years.

Associate Commissioner Buhler noted that the Legislature had funded financial aid with some one-time funds approximately equal to the one-half percent set-aside. Some of this funding went for New Century Scholarships. **Regent Grant moved that the first-tier tuition be increased across the board by only 3 percent, rather than the 4½ percent previously approved by the Board. The motion was seconded by Regent Atkin and carried.**

Vice Chair Mantes polled the Presidents regarding the amount of increase for their second-tier tuition.

Dixie 4.5 percent for freshmen and sophomores, 5 percent for upper division. The money will be used for O&M costs, fuel and power, and salary increases for adjunct faculty.

CEU	4 percent, to be used for conversion to Banner software
SLCC	5 percent, to be used for faculty and staff compensation
UVSC	11.5 percent lower division, to be used for O&M costs, 8.4 percent upper division, to be used for Banner conversion, compensation/health insurance, and other overall purposes as specified by the college's Truth in Tuition hearings.
UofU	7 percent for undergraduates, 12 percent for graduates. Vice President Pershing commented that the Legislature had recommended that the University's graduation tuition be increased to become more consistent with other institutions in the West. Revenue from second-tier tuition will be used for fuel and power costs, enrollment growth, graduate programs, and library acquisitions. Dr. Pershing explained that this would not be a new differential but would increase the difference in the MBA and Business Master's programs. This increase would bring the University of Utah up to 80 percent of the law differential and would still be below the median of Western states. The University needs to keep the Business School solvent.
Snow	6 percent for resident students, to be used to hire new faculty to teach bottlenecked general education courses and nursing classes. This revenue will pay for 2-3 new positions.
WSU	7 percent, to be used for high-demand courses, student support needs (financial aid, counseling, etc.), and compensation for faculty and staff
SUU	8 percent, to be used for mandated costs (fuel and power), financial aid, faculty and staff compensation, including health benefits.
USU	7 percent for returning undergraduate and graduate students and 9 percent for incoming freshmen and graduate students, to be used to fund library enhancements. President Hall said in two years, all students will be paying the same tuition.

Chair Karras suggested that it may be advantageous for the institutions to have their Truth in Tuition hearings after the Legislative Session in the future. Regent Edwards commended the student body presidents for their support of these increases. He shared the concerns expressed earlier by Chair Karras of continued double-digit tuition increases. Some of our students are being priced out of a college education.

President Sederburg pointed out that half of the tuition increase would be underwritten by the federal government because the students are receiving Pell Grants, which will be increased commensurate with these tuition increases.

Regent Atkin moved approval of the proposed increases in second-tier tuition. The motion was seconded by Regent Pitcher and Regent Grant. The motion carried.

Report of the Chair

Chair Karras expressed his appreciation for Vice Chair Mantes and Commissioner Kendell and expressed his sympathy to the Commissioner and his family. He told the Regents that much work is being done "behind the scenes" on UCAT issues. Chair Karras, Vice Chair Mantes, and Commissioner Kendell met the previous day with the UCAT and SLCC Presidents and their Board Chairs. Work will continue on this important issue.

Chair Karras said he was excited about the focus groups which had met the preceding day and felt the discussion was needed. We are struggling with financial issues in the state. Chair Karras said he had asked Commissioner Kendell to develop a five-year projection of growth rates and needs which will be taken to the various groups so that people can see the larger picture. We are anticipating 30,000 new students in the next decade and 45,000 in the next 15 years. Chair Karras invited the institutions to think strategically and the Regents to focus on the larger issues of where higher education in Utah is heading. Utah's taxpayers want to receive value for their investment, and we need to prove our efficiency and productivity.

Report of the Commissioner

Vice Chair Mantes called attention to the Commissioner's Report of Notable Achievements in the folders. This report highlights the accomplishments of our campuses.

Commencement schedules had been put in the Regents' folders. Vice Chair Mantes asked the Regents to let Secretary Cottrell know as soon as possible which institutions they would be visiting for commencement exercises. He urged each of the Regents to attend one or two graduations, if possible.

General Consent Calendar

On motion by Regent Jordan and second by Regent Atkin, the following items were approved on the Board's General Consent Calendar (Tab T):

1. Minutes – Minutes of the Regular Board of Regents Meeting held January 16, 2004 at Board of Regents' offices in Salt Lake City, Utah
2. Grant Proposals - Approval to submit the following proposals:
 - A. University of Utah – Public Health Service/National Cancer Institute; "Small Animal Imaging Facility;" \$3,979,823. Mario R. Capecchi, Principal Investigator.
 - B. University of Utah – Prime Flow Thru/Utah State University; "Natural History of CMV-Related Hearing Loss & The Feasibility of CMV Screening as Adjunct to Hearing Screening in the Newborn;" \$7,101,758. James F. Bale, Jr., Principal Investigator.
 - C. University of Utah – Sports Medicine Research & Testing Lab; "Sports Medicine Research & Testing Laboratory at the University of Utah;" \$6,058,586. Dennis J. Crouch, Principal Investigator.
 - D. University of Utah – National Institutes of Health; "Center for Integrated Biomedical Software Systems (CIBSS);" \$22,233,077. Christopher Johnson, Principal Investigator.
 - E. University of Utah – National Institutes of Health; "Nicotine Addiction Factors in Native American Youth;" \$8,939,108. Edward Clark, Principal Investigator.
 - F. University of Utah – Defense Advanced Research Projects Agency (DARPA); "Coherent Terahertz Imaging with cw Sources and Electro-Optic Detection;" \$1,669,096. Ajay Nahata, Principal Investigator.

- G. University of Utah – National Institutes of Health; “Positional Identity in the Zebrafish Embryo;” \$5,913,764. David J. Grunwald, Principal Investigator.
- H. University of Utah – Public Health Service; “Center for Integrated Biomedical Software Systems;” \$22,234,517. Christopher Johnson, Principal Investigator.
- I. University of Utah – Public Health Service; “Interdisciplinary Training Program in Computational Bioengineering;” \$2,670,467. Robert S. Macleod, Principal Investigator.
- J. University of Utah – Public Health Service - National Institute of Drug Abuse; “Nicotine Addiction Factors;” \$8,939,108. Edward B. Clark, Principal Investigator.
- K. University of Utah – Public Health Service; “Collecting Duct Endothelin-1 and Hypertension;” \$2,096,186. Donald E. Kohan, Principal Investigator.
- L. University of Utah – National Science Foundation; “ISGA: Gene Targeting in Plants;” \$2,291,849. Gary N. Drews, Principal Investigator.
- M. University of Utah – National Science Foundation; “Computational Tools of Multiscale Dynamical Modeling of Blood Clotting and Vascular Biology;” \$4,000,000. Aaron L. Fogelson, Principal Investigator.
- N. University of Utah – Public Health Service; “Genetics and Surveillance in Familial Pancreatic Cancer;” \$5,816,836. James A. Disario, Principal Investigator.
- O. University of Utah – National Institutes of Health; “Animal Facility for New Moran Eye Center;” \$2,680,838. A. Lorris Betz, Principal Investigator.
- P. Utah State University – US DOD Missile Defense Agency; “RAMOS Rosobronexport Addendum 21;” \$6,937,800. Thomas Humpherys, Principal Investigator.
- Q. Utah State University – Department of Health & Human Services; “Mechanistic Studies on FE(II) Dependent Methionyl Athionyl Aminopeptidases;” \$1,416,032. Richard C. Holz, Principal Investigator.
- R. Utah State University – Department of Health & Human Services; “The Natural History of CMV-Related Hearing Loss and the Feasibility of CMV Screening as Adjunct to Hearing Screening in the Newborn;” \$21,089,077. Karl White, Principal Investigator.
- S. Utah State University – National Science Foundation; “Methodology for Multi-Platform Watershed Health Monitoring Sensors, Data Collection Networks, Data Assimilation, and Model-Data Interactions;” \$1,598,409.18. W. Kemblowski, Principal Investigator.
- T. Utah State University – US DOD US Air Force; “RAMOS - MIC 4;” \$7,471,176. Joseph J. Tansock, Principal Investigator.

- U. Utah State University – Missile Defense Agency; “RAMOS Critical Design Review Phase - Phase II Inclination;” \$1,293,581. Tom Humpherys, Principal Investigator.
- V. Utah State University – Colorado University Laboratory of Atmospheric and Space Physics; “Aeronomy of Ice in the Mesosphere;” \$3,044,533. Brandon Paulsen, Principal Investigator.
- W. Utah State University – National Institutes of Health; “The Cache County Type 2 Diabetes Prevention Project;” \$1,157,345. Edward M. Heath, Principal Investigator.
- X. Utah State University – National Science Foundation; “Dream catching: Engineering, Math and Science Partnerships with Native Americans;” \$10,344,074. Christine Hailey, Principal Investigator.
- Y. Utah State University – Lockheed Martin Mission Systems; “Tactical Input Segment;” \$1,419,375. Niel Holt, Principal Investigator.
- Z. Utah State University – Microbiosystems; “Detection Systems for Biological and Chemical Countermeasures;” \$1,906,715. Linda Powers, Principal Investigator.
- AA. Utah State University – Raytheon; “Hyperspectral Environmental Suite (HES);” \$3,408,398. Bob Anderson, Principal Investigator.
- BB. Utah State University – National Science Foundation; “NIRT: Atom-scale Silicon Integrated Circuits for Quantum Computation;” \$2,000,000. T-C Shen, Principal Investigator.
- CC. Utah State University – National Science Foundation; “FIBR: Computation as an Interpretative Framework in Integrative Biology;” \$3,785,475. Keith A. Mott, Principal Investigator.
- DD. Utah State University – US DOD Missile Defense Agency; “RAMOS Joint Critical Design Review;” \$1,293,581. Thomas Humpherys, Principal Investigator.
- EE. Utah State University – Colorado University Laboratory of Atmospheric and Space Physics; “Aeronomy of Ice in the Mesosphere (AIM) Phase B for the Solar Occultation for Ice Experiment (SOFIE) Instrument and Science;” \$3,044,533. John Kemp, Principal Investigator.
- FF. Utah State University – National Science Foundation; “Dream Catching: Engineering, Math and Science Partnerships with Native Americans;” \$10,344,074. Christine E. Hailey, Principal Investigator.
- GG. Utah State University – National Science Foundation; “Evaluative Research of Accommodations, Interventions, Modifications and Strategies (E-RAIMS);” \$2,484,608. Margaret Lubke, Principal Investigator.
- HH. Utah State University – National Science Foundation; “NEESR-SG, Structural Health Monitoring and Field Testing of Existing Highway Bridges;” \$2,368,213. Marvin W. Halling, Principal Investigator.
- II. Utah State University – Department of Health and Human Services; “The Cache County Type 2 Diabetes Prevention Project;” \$1,157,345. Edward M. Heath, Principal Investigator.

- JJ. Utah State University – Lockheed Missiles and Space Company, Inc., "Tactical Input Segment;" \$1,419,375. Niel S. Holt, Principal Investigator.
- KK. Utah State University – Raytheon; "Hyperspectral Environmental Suite (HES) - Raytheon;" \$3,408,398. Robert E. Anderson, Principal Investigator.
- LL. Utah State University – Microbiosystems; "Detection Systems for Biological and Chemical Countermeasures;" \$1,906,715. Linda S. Powers, Principal Investigator.
- MM. Utah State University – Duke University; "Epidemiology of Alzheimer's Dementia in Cache County, Utah;" \$1,194,294. Maria C. Norton, Principal Investigator.

3. Grants Awarded

- A. University of Utah – University of California/Lawrence Livermore; "Center for Simulation of Accidental Fires and Explosions (C-Safe), Second Project Period. Prime US DOE (W7405ENG48); \$2,750,000. John W. Pershing, Principal Investigator.
- B. University of Utah – Pew Charitable Trusts/School Program; "Campaign and Media Legal Reform Center;" \$2,200,000. Kirk L. Jowers, Principal Investigator.
- C. Utah State University – US DOD Missile Defense Agency; "RAMOS Task Order 12;" \$3,716,021. Thomas Humpherys, Principal Investigator.
- D. Utah State University – NASA Langley Research Center; "Geostationary Imaging Fourier Transform Spectrometer (GIFTS);" \$2,661,059. Gail Bingham, Principal Investigator.
- E. Utah State University – Lockheed Missiles and Space Company, Inc.; "Tactical Input Segment;" \$1,402,185. Niel S. Holt, Principal Investigator; Lance D. Fife, Co-Principal Investigator.

4. Annual Summary of Grants Awarded

- E. Proposed Revision to Policy R853, Transition and Retirement Provisions for Chief Executive Officers. It is proposed that this policy be amended to eliminate section 4.1 which requires Chief Executive Officers to retire or return to the faculty at the age of 65.
- 6. Executive Session(s) — Approval to hold an executive session or sessions prior to or in connection with the meetings of the State Board of Regents to be held April 16, 2004, at the State Board of Regents' offices in Salt Lake City, Utah, to consider property transactions, personnel issues, litigation, and such other matters permitted by the Utah Open and Public Meetings Act.

Adjournment

President Sederburg expressed his appreciation to Commissioner Kendell and Associate Commissioner Buhler for their hard work at the Capitol during the recent Legislative Session.

The meeting was adjourned at 12:10 p.m., after which the Regents met for lunch with President Huddleston and the Dixie State College Board of Trustees.

Joyce Cottrell CPS
Executive Secretary

Date Approved