Minutes

Regents Present
Jed H. Pitcher, Chair
Bonnie Jean Beesley, Vice Chair
Jerry C. Atkin
Daryl C. Barrett
Janet A. Cannon
Katherine B. Garff
David J. Grant
Ali Hasnain
Greg W. Haws
Meghan Holbrook
James S. Jardine
David J. Jordan
Nolan E. Karras
Josh M. Reid
Marlon O. Snow
Sara V. Sinclair
John H. Zenger

Regents Excused
Rosanita Cespedes

Commissioner’s Office
Richard E. Kendell, Commissioner of Higher Education
David L. Buhler, Associate Commissioner for Public Affairs
Troy Caserta, Accounting Officer
Jorie Colbert, Research Officer
Joyce Cottrell, Executive Secretary
Amanda Covington, Director of Communications
David S. Doty, Director of Policy Studies and Assistant Commissioner
Carrie Flamm, Executive Director, Utah Student Association
Brian Foisy, Assistant Commissioner for Budget and Finance
Nate Millward, Director of Budget and Finance
Phyllis C. Safman, Assistant Commissioner for Academic Affairs
Mark H. Spencer, Associate Commissioner for Finance and Facilities
Lucille T. Stoddard, Associate Commissioner for Academic Affairs
Lynne N. Ward, Director, Utah Educational Savings Plan
Gary S. Wixom, Assistant Commissioner for Academic Affairs

INSTITUTIONAL REPRESENTATIVES

University of Utah
Michael K. Young, President
Reyes Aguilar, Associate Dean, College of Law  
A. Lorris Betz, Senior Vice President for Health Sciences  
Paul T. Brinkman, Associate Vice President for Budget and Planning  
Arnold G. Combe, Vice President for Administrative Services  
John G. Francis, Associate Vice President for Academic Affairs  
Stephen Hess, Chief Information Officer  
Michael Perez, Associate Vice President for Facilities  
David W. Pershing, Senior Vice President for Academic Affairs  
Laura Snow, Special Assistant to the President/Secretary to the University  
Octavio Villapando, Associate Vice President for Diversity  
Spencer Pearson, Student Body President  

Utah State University  
Stan L. Albrecht, President  
Raymond T. Coward, Executive Vice President and Provost  
David Cowley, Associate Vice President for Financial Services  
Steven Hanks, Vice Provost for International Affairs  
Sydney Peterson, Chief of Staff  
Joe Vande Merwe, Associate Director of Budget and Planning  

Weber State University  
F. Ann Millner, President  
Forrest C. Crawford, Assistant to the President for Diversity/Professor of Teacher Education  
Jan Winniford, Vice President of Student Affairs  
Ruth Stubbs, Coordinator, Academic Support Services  
Keith Wilder, Diversity Center Coordinator  

Southern Utah University  
Michael T. Benson, President  
Abe Harraf, Provost  
Chase Palmer, Presidential Intern  
Gregory L. Stauffer, Vice President and Chief of Staff  

Snow College  
Bradley A. Winn, Academic Vice President  
Jordan Snedaker, Student Body President  

Dixie State College  
Lee G. Caldwell, President  
Donna Dillingham-Evans, Academic Vice President  
Stanley J. Plewe, Vice President of College Services  
Shandon Gubler, Board of Trustees
Following a breakfast meeting with the University of Utah Board of Trustees, Chair Jed Pitcher called to order the Committee of the Whole at 9:20 a.m. He welcomed everyone to the meeting and excused Regent Cespedes, who was recuperating from recent surgery.
People News. Chair Pitcher reported Regent Sara Sinclair was retiring after 23 years of service as CEO of the Sunshine Terrace Foundation. He congratulated her for her achievements. He noted this would be the last Board meeting for Regents Ali Hasnain, Daryl Barrett, and David Grant, and that the Governor had made new appointments to the Board which were awaiting confirmation by the Senate. President Benson announced that Provost Abe Harraf would be leaving SUU; he has accepted a position at the University of Northern Colorado in Greeley. He thanked Dr. Harraf for his service to Southern Utah University.

The Regents were dismissed to their committees at 9:30 a.m. and reconvened at 11:00 a.m. Regent Jordan was excused during the committee meetings and was not present for the remainder of the meeting.

General Consent Calendar

On motion by Regent Atkin and second by Regent Jardine, the following items were approved on the Regents’ General Consent Calendar (Tab V):

A. Minutes – Minutes of the Planning Retreat and Regular Board Meeting held April 19-20, 2007, at Dixie State College in St. George, Utah

B. Grant Proposals (On file in the Commissioner’s Office)

C. Grant Awards
   1. University of Utah – US Department of Education/Lawrence Livermore National Laboratory; “Center for Simulation of Accidental Fires and Explosions;” $3,084,000. David W. Pershing, Principal Investigator.


   5. Utah State University – NASA Jet Propulsion Laboratory; “Wide-Field Infra-red Survey Explorer (WISE);” $1,223,938. John Elwell, Principal Investigator; Scott Schick, Co-Principal Investigator.


Reports of Board Committees
Academic, CTE, and Student Success (Programs) Committee

Utah Valley State College – Bachelor of Science Degree in Biotechnology (Tab A). Chair Garff reported UVSC had developed a partnership with Salt Lake Community College, to offer UVSC’s program on SLCC’s West Jordan campus. Graduates could also move into advanced programs at the University of Utah and Utah State University with very little loss of credit. **Chair Garff congratulated the institutions for their partnerships and moved approval of UVSC’s B.S. Degree in Biotechnology. Regent Beesley seconded the motion, which was adopted unanimously.**

Utah Valley State College – Associate of Applied Science Degree in Mechatronics Technology (Tab B). Chair Garff explained UVSC’s electronics and computer technology degree had been eliminated and reformatted for more practical applications, such as robotics, automated manufacturing and packaging, heating and cooling systems, and others. This is a terminal degree and is not a pre-engineering degree. **Chair Garff moved approval of UVSC’s A.A.S. Degree in Mechatronics. Regent Zenger seconded the motion, which was adopted unanimously.**

Salt Lake Community College – Associate of Applied Science Degree in Engineering Technology (Tab C). Chair Garff reported this program would address the need for skilled, entry-level positions with companies requiring backgrounds in applied science and math, and with the technical expertise to support product design and improvement, manufacturing, and engineering. She noted this program reaches out to high school students and places emphasis on the “hands-on” aspects of Engineering Technology. **Chair Garff moved approval of SLCC’s A.A.S. Degree in Engineering Technology. Following a second by Regent Beesley, the motion was adopted unanimously.**

Consent Calendar, Programs Committee (Tab D). **On motion by Regent Garff and second by Regent Holbrook, the following items were approved on the Programs Committee’s Consent Calendar:**

A. University of Utah – Discontinue B.A. and B.S. Degrees in Communication Skills
B. Weber State University – Community Involvement Center
C. Southern Utah University – Center for Applied Research and Advanced Technologies

Information Calendar, Programs Committee (Tab E). Chair Garff said the committee had discussed the items on its Information Calendar. She offered to respond to questions, but there were none.

Chief Academic Officers’ (CAO) Report on Concurrent Enrollment (Tab F). [See page 8.]

Finance, Facilities and Accountability Committee

Proposed Presidential Salaries for 2007-2008 (Tab G). Chair Atkin said this item needed to be discussed by the entire Board in executive session before it could be approved.

University of Utah – Campus Master Planning Process (Tab H). Chair Atkin said the committee had heard an excellent presentation from University officials. The firm of Skidmore Owings and Merrill, San Francisco, has been hired to assist in the development of the Campus Master Plan. The process is expected
to be completed in January 2008. **Chair Atkin moved approval of the University of Utah’s Campus Master Planning Process.** Vice Chair Sinclair seconded the motion, which was adopted unanimously.

**University of Utah – Approving Resolution, Research Facilities System Revenue Bonds, Series 2007A (383 Colorow Way Building Acquisition Project)** (Tab I). Chair Atkin reported the proposed resolution was for a $10 million bonded debt as part of a $20 non-state-funded project to purchase the building at 383 Colorow Way in Research Park. He pointed out institutions are limited to $10 million of bonded indebtedness in any given year. **Chair Atkin moved approval of the Approving Resolution.** The motion was seconded by Regent Reid and was adopted unanimously.

**University of Utah – Board of Trustees Statement of Responsibilities and Code of Conduct, Trustee Disclosure Statement, and Conflict of Interest Policy** (Tab J). Chair Atkin reported the University of Utah had developed its own policy and had been working on its development prior to the System requirement. The Regents allowed the institutions to develop their own institutional-specific forms, if approved by the Regents no later than July 27, 2007. He noted some differences from the Regents’ general policy: (1) The Regents require reporting of “gifts of appreciable value.” The University prohibits all gifts. (2) Non-financial conflicts of interest will be disclosed on the University’s form; the Regents’ policy requires reporting only financial conflicts of interest. (3) With the University’s policy, Trustees cannot vote on an issue if there is a conflict of interest. According to the Regents’ policy, as long as the conflict has been noted, a Regent can still vote on an issue. **Chair Atkin moved approval of the University of Utah’s Board of Trustees Statement of Responsibilities and Code of Conduct, Trustee Disclosure Statement, and Conflict of Interest Policy.** The motion was seconded by Regent Grant and adopted unanimously.

**Dixie State College – Building and Property Purchase** (Tab K). Chair Atkin noted the property in question, Chancellor Manor, was contiguous to the campus. It is presently a residential living facility. The purchase price is $1 million. The down payment of $300,000 will be taken from auxiliary account reserves, with the balance to be financed with a local financial institution. Chair Atkin said this would be viewed as a land bank for the college. **Chair Atkin moved approval of Dixie State College’s purchase of the Chancellor Manor and property.** Vice Chair Sinclair seconded the motion, which was adopted unanimously.

**Consent Calendar, Finance Committee** (Tab L). Chair Atkin briefly explained the following items on the Finance Committee’s Consent Calendar and moved their approval. Regent Jardine seconded the motion, which was adopted unanimously.

A. USHE – 2006-2007 Final Work Program Revisions
B. USHE – 2007-2008 Work Program Revisions
C. USHE – 2007-2008 Budget Implementation Reports
D. USHE – Money Management Reports
E. UofU and USU – Capital Facilities Delegation Reports

**Impact of Information Technology** (Tab M). Chair Atkin said the committee had received an excellent report from Steve Hess, Chief Information Officer for the Utah System of Higher Education. The discussion
raised the question of whether the System is keeping up with alternate delivery systems used by private institutions and corporations. The report was presented for information only and did not require approval.

**Update on Institutional Health Plan Changes for 2007-2008 (Tab N).** Chair Atkin said this report informed the Regents of increases to employee health plans at each USHE institution and UCAT campus.

**Legislative Auditor General: A Performance Audit of Compliance with UMIFA (Tab O).** Chair Atkin said the report contained temporary instances of non-compliance with existing policy. Auditors found instances where (a) institutions moved too slowly to implement required changes, (b) trustees lacked sufficient information to accomplish their oversight role, and/or (c) the work of the internal audit staff was inadequate to detect non-compliance. Most of these matters have been resolved. Responses from the Commissioner, the University of Utah, and Weber State University were attached to the report.

**Utah State University – Regents’ Executive Committee Approval to Sell Buildings (Tab P).** Chair Atkin reported the Regents’ Executive Committee had met on May 17 and approved the sale of two buildings on Utah State University’s Innovation Campus to a private development corporation. The Regents also approved the University entering into a ground lease with the developer.

**Strategic Planning and Communications Committee**

**Revisions to Policy R513, Tuition Waivers for Dependents of Military Personnel Who Die in the Line of Duty (Tab Q).** Chair Jardine explained the policy had been revised to implement legislation enacted in the 2007 General Session. H.B. 309 provided for a waiver of undergraduate resident tuition for surviving dependents of Utah residents who are killed or die of injuries received while serving in the military on federal active duty. A surviving spouse is considered a surviving dependent. The Utah Adjutant General was assigned responsibility to certify the dependents’ eligibility for the waiver, but arrangements have been made for this responsibility to be carried out by the Utah Department of Veterans Affairs. **Chair Jardine moved approval of the revisions to Policy R513. The motion was seconded and adopted unanimously.**

**Amendments to Policy R512, Determination of Resident Status (Tab R).** Chair Jardine asked Assistant Commissioner Doty to explain briefly the amendments to this policy. Dr. Doty said the committee had discussed the history of resident status for tuition purposes, which had been changed in statute several times in the past few years. Most recently, the requirement for resident status has been three years of residency or 60 credit hours earned at Utah institutions. In the 2007 General Legislative Session, H.B. 118 was enacted to revert the requirement back to the traditional one year of residency. In addition, a student must show financial independence. Each institution has the option of choosing its own residential policy, within the parameters set forth in H.B. 118 (a maximum of 3 years/60 credit hours and a minimum of one year). Exceptions and extenuating circumstances were discussed by the committee.

The biggest question has been whether the one-year rule would be applied retroactively. The Council of Presidents and residency officers, after consultation with the legislators sponsoring the bill, agreed there would be no retroactive application. However, students who have already achieved residency status will not be penalized by imposing another year of waiting. The legislation specified an implementation date of July 1,
2008, and the Presidents need that time to make the necessary changes in their policies, procedures, and budget allowances. Chair Jardine pointed out this makes Utah’s requirements comparable to most other states.

The committee also discussed entitlement. Financial independence is a “bright line test” – a student will have to prove he is not a dependent on his parents’ tax return. Some specific examples were cited as possible scenarios. Most institutions will have a one-year requirement for graduate degree programs, but the University of Utah will require one year of residency plus 40 credit hours. Regent Sinclair asked if policy R512 applied to UCAT institutions. Dr. Doty said it did not apply to short-term, non-credit programs.

Chair Jardine thanked Dr. Doty for his report and his extensive work on this issue and moved approval of the revisions to Policy R512. Regent Holbrook seconded the motion, which was adopted unanimously.

Institutional Reports on Campus Programs and Initiatives Related to Minority and Disadvantaged Students – University of Utah and Weber State University (Tab S). Chair Jardine said the committee had observed that all institutions are actively engaged in outreach programs to the under-represented groups. The ultimate goal is for outreach at an earlier stage. Chair Jardine commended the institutions for their efforts. Regent Holbrook noted each school is different and each school has a lot to add. Regent Barrett suggested in committee that the reports be collected and a meeting scheduled for the institutional diversity officers to share best practices. This report was presented for information only and required no action.

Chief Academic Officers’ (CAO) Report on Concurrent Enrollment (Tab F). Chair Jardine said Dr. Gary Wixom, Assistant Commissioner for Academic Affairs, had written the report. The committee learned that students who participate in concurrent enrollment transition to higher education at a higher rate and have a higher completion rate. More than 27,000 students are enrolled in one or more concurrent programs. The paper reflects the efforts of the CAOs to develop standards focusing on quality and consistency in curriculum content, faculty preparation and credentials, and a cooperative relationship with public education.

Regent Garff said the Programs Committee had also discussed this report. A major concern of her committee was that fiscal responsibility (supervision, quality, etc.) was not addressed in Dr. Wixom’s paper. The Programs Committee felt this needed further discussion. Additionally, President Bioteau noted that concurrent enrollment is a very important component of an open-access institution such as Salt Lake Community College. Her concern was the fiscal responsibility to maintain quality, while helping our public education partners understand that concurrent enrollment is a wonderful opportunity, but it is not an entitlement. She pointed out SLCC has 9991 concurrent enrollment students. The college is sometimes faced with situations that border on entitlement. This is an issue that must be addressed as discussions between higher education and public education move forward. In response to Chair Jardine’s question, she explained that by entitlement she meant high schools’ assumption that the college would provide any course concurrently that the high school thinks it needs. They also prefer to have the courses taught on the high school campuses with their own faculty (not college faculty), but under college supervision.

Chair Jardine said he understood the purpose of the paper was to provide data on what is currently being done and to address quality issues. He thanked Regent Garff for her suggestion that fiscal issues must
also be recognized. Vice Chair Beesley suggested one further refinement: With funding at the current levels, it may not be possible to provide the necessary oversight to reach the benchmarks in Dr. Wixom’s report. She also pointed out that the funding was coming out of money that should have gone to college students.

Commissioner Kendell explained that in the effort to provide stable funding for concurrent enrollment, higher education officials approached the Legislature and informed them that we would need approximately $60 per concurrent credit as an average. The bulk of concurrent courses are being provided by approved faculty in high schools, with curriculum content and oversight provided by college faculty. That figure was decreased to $50 during the 2007 Legislative General Session. Public education would get 60 percent and higher education would get 40 percent of that funding. The Commissioner asked if that amount was adequate for the quality issues that had been raised. As this program grows, we will get an additional $50 per student and the funded rate will increase proportionate to increases in the weighted pupil unit (WPU). A proposal was made that the 40 percent be specified in statute, with the provision that the State Superintendent and the Commissioner must come to agreement. The Commissioner indicated that a 42 percent share for higher education is a more realistic proportion, based on current costs.

Commissioner Kendell said higher education must determine the size of the program. If funding is not available to provide quality offerings, the program will have to be scaled down or additional requirements imposed that may have the effect of limiting program offerings or enrollment. Qualitative issues are in the purview of higher education. After that determination has been made, we will have to determine if the resources are available to meet those standards.

Vice President Winn said concurrent enrollment is being watched closely at Snow College because it is key to the college’s rural niche. He related an experience at Snow’s recent commencement exercises. As the names of graduates were announced, he asked one graduate about her experiences at Snow College. She responded that she had taken only one semester of classes there; the rest of her education was taken through concurrent enrollment. This will continue to have implications as we push college into the high schools.

Communication and Messaging Strategies (Tab T). Chair Jardine said discussion on this item had been postponed until the July Board meeting.

Legislative Update (Tab U). Associate Commissioner Buhler reminded Regents of the joint meeting of the Public Education and Higher Education Appropriations Subcommittees on June 13. The meeting agenda was in the Regents’ folders. Attached to Tab U was a report of the first meeting of the Higher Education Task Force and the topics that were discussed.

Report on UCAT’s Role and Mission

Chair Pitcher said Regent Sinclair had requested that President Brems explain the role and mission of the Utah College of Applied Technology. Chair Pitcher asked that this be a regular item on the Board agenda.
President Brems recognized the presence of Don Ipson, Chair of the UCAT Board of Trustees and a member of the Dixie ATC Board of Directors. Vice President Jared Haines and several campus presidents were also present and were acknowledged. President Brems introduced Collette Mercier, who was recently appointed President of the Ogden-Weber ATC to replace Brent Wallis, who had announced his retirement.

President Brems showed a PowerPoint presentation that explained UCAT’s unique role and mission to deliver career and technical education in response to workforce needs of business and industry. Most of UCAT’s program offerings result in certificates of proficiency or certificates of completion. He pointed out an article from Community College Week reporting on an evacuee from Hurricane Katrina who came to Utah and continued his education at UCAT, rather than waiting for entrance into a traditional institution. This student lost his leg in a shrimping accident prior to the hurricane. He is now an entrepreneur who would like to open a shrimp distribution outlet in Utah. The UCAT experience has given many students the confidence to continue their education at other USHE institutions.

Chair Pitcher thanked Chair Ipson and the Campus Presidents for their participation.

Resolutions of Appreciation

Chair Pitcher explained that the terms of service on the State Board of Regents would expire on June 30 for Regents Hasnain, Barrett, and Grant.

Ali Hasnain. Regent Hasnain reported he was serving an internship in Washington DC, thanks to Kirk Jowers, Executive Director of the Hinckley Institute for Politics. He will apply for law school this fall. Vice Chair Beesley presented Regent Hasnain with a Resolution of Appreciation and a computer laptop case, with the thanks and appreciation of the Board of Regents.

Daryl Barrett. Vice Chair Beesley presented Regent Barrett with a Resolution of Appreciation. Chair Pitcher said as an expression of the Board’s appreciation for Regent Barrett’s service, a donation had been made to the Jane Barrett Memorial Fund at the University of Utah’s College of Architecture. Regent Barrett thanked the Regents and said she had enjoyed her service on the Board and that she hoped to continue her relationship in other ways.

David Grant. Vice Chair Beesley presented Regent Grant with a Resolution of Appreciation and a beautiful watch, in appreciation for the service Regent Grant has given to the State Board of Regents for the past 12 years. Regent Grant thanked the Regents and joked that future Board meetings might go more smoothly in the future without him.

Brent Wallis. Chair Pitcher said President Wallis had announced his retirement, after giving 36 years of service to the Ogden-Weber Applied Technology College. President Wallis could not be at the meeting due to a previously scheduled appointment out of town. Chair Pitcher read excerpts from his Resolution of Appreciation and asked President Brems to make sure it was safely delivered to President Wallis.
Regent Jardine moved adoption of all of the Resolutions of Appreciation. Regent Holbrook seconded the motion, which carried unanimously. Copies of all resolutions are on file in the Commissioner’s Office.

Report of the Commissioner

Commissioner Kendell referred to his written report and briefly reviewed the excellent things that were taking place on the USHE campuses, as well as in UHEAA and the UESP.

He noted that during the 2007 Legislative General Session there had been an interest in changing the delivery system of UESP from a direct-sell program to a national vendor. Several vendors were brought in to meet with Legislative leaders and other key individuals. The final result was that the vendors were not interested in Utah because we have a very strong direct-sell program. They acknowledged that this was probably the best program in the country.

The Commissioner noted the recent extensive media coverage about student loan providers. He assured the Regents that UHEAA is an exemplary organization that has done an excellent job of keeping its loan fees low. It is truly an excellent investment in education. Many of the issues that are being criticized in the student loan industry do not apply in any way to UHEAA.

Commissioner Kendell acknowledged Collette Mercier and congratulated her on her appointment as the new President of the Ogden-Weber ATC. He thanked Regents Grant, Hasnain and Barrett for their contributions and for the opportunity to work with them.

The Commissioner acknowledged the work of Dr. David Richardson and Dr. Abe Harraf, who were retiring as Academic Vice President at Salt Lake Community College and Provost at Southern Utah University, respectively. He wished them both well in their future endeavors.

Report of the Chair

Chair Pitcher commented briefly on the Utah Scholars Program. He thanked Assistant Commissioner Doty, Lauren Oviatt and Carrie Flamm for their efforts. He referred to his written report and said he was continually amazed at the success of our students.

Regent Reid moved that the Board move into executive session to discuss personnel and legal issues. The motion was seconded and adopted unanimously. Chair Pitcher explained that the purpose of the executive session was for the Regents to discuss presidential evaluations and salaries. He stated the Committee of the Whole would reconvene in open session to approve the presidents’ salaries after lunch.

Chair Pitcher thanked President Young and his staff for their hospitality. Regent Snow commended the institutions for their success in obtaining funds through grants and contracts.
Following their luncheon meeting, the Regents reconvened in open session at 2:20 p.m. Chair Pitcher explained that the entire executive session meeting had been spent discussing presidential evaluations. Therefore, discussion/action on presidential salaries was postponed.

Adjournment

Regent Snow moved that the meeting be adjourned, seconded by Regent Holbrook. The motion was adopted, and the meeting adjourned at 2:21 p.m.

Joyce Cottrell CPS
Executive Secretary

Date Approved