

**State Board of Regents Meeting
 Regents' Offices, Salt Lake City, Utah
 April 18, 2008**

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State Board of Regents Meeting
Regents' Offices, Salt Lake City, Utah
April 18, 2008

Minutes

Regents Present

Jed H. Pitcher, Chair
Bonnie Jean Beesley, Vice Chair
Jerry C. Atkin
Janet A. Cannon
Rosanita Cespedes
Katharine B. Garff
Meghan Holbrook
James S. Jardine
David J. Jordan
Nolan E. Karras
Anthony W. Morgan
Josh M. Reid
Marlon O. Snow

Regents Excused

Amy Engh
Patti Harrington
Greg W. Haws
John H. Zenger

Commissioner's Office

David L. Buhler, Interim Commissioner of Higher Education
Joyce Cottrell, Executive Secretary
Amanda Covington, Assistant Commissioner for Public Affairs
Carrie Beckman, Policy and Special Projects Coordinator
Troy Caserta, Accounting Officer
David S. Doty, Assistant Commissioner and Director of Policy Studies
David Feitz, Executive Director, Utah Higher Education Assistance Authority (UHEAA)
Kimberly Henrie, Assistant Commissioner for Budget and Finance
Melissa Miller Kinkart, Executive Director, Utah Campus Compact
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
Kelly Stowell, Executive Director, Utah Student Association
Lynne N. Ward, Director, Utah Education Savings Plan (UESP)
Gary S. Wixom, Assistant Commissioner for Academic Affairs
Andrea Worthen, Education Policy and Accountability Director

INSTITUTIONAL REPRESENTATIVES

University of Utah

David W. Pershing, Senior Vice President for Academic Affairs
Arnold B. Combe, Vice President for Administrative Services
Stephen Hess, Chief Information Officer
Laura Snow, Special Assistant to the President and Secretary of the University
Patrick Reimherr, Student Body Officer
Spencer Pearson, Student Body Officer

Basim Motiwala, Student Body Officer
Katie Miller, Presidential Intern/Student

Utah State University

Stan L. Albrecht, President
Raymond T. Coward, Provost
Michelle Larson, Assistant Provost

Weber State University

F. Ann Millner, President
Brad Mortensen, Vice President for University Advancement

Southern Utah University

Michael T. Benson, President
Wesley R. Curtis, Assistant to the President; Director, Regional Services
Gregory Stauffer, Chief of Staff

Snow College

Scott L. Wyatt, President
Bradley A. Winn, Academic Vice President

Dixie State College

Stephen D. Nadauld, Interim President
Georgine Bills, Professor and Program Coordinator, Respiratory Therapy
Carole Grady, Associate Dean of Health Sciences
Frank Lojko, Vice President of Student Services
Stanley J. Plewe, Vice President of College Services

College of Eastern Utah

Ryan L. Thomas, President
Brad King, Vice President of Student Services

Utah Valley State College

William A. Sederburg, President
Elizabeth J. Hitch, Academic Vice President
Linda Makin, Director of Budgets
Cameron Martin, Special Assistant to the President
J. Karl Worthington, Associate Vice President for Academic Affairs

Salt Lake Community College

Cynthia A. Bioteau, President
Mason Bishop, Vice President of Institutional Advancement
Alexander Izvailevsley, Professor of Philosophy

Joe Peterson, Vice President of Academics
Elizabeth Martin, Student
Justin Talbot, Student
Ray Wimmer, Student

Utah College of Applied Technology

Richard L. White, President
Jay Greaves, Davis Applied Technology College
Fred Keetch, Mountainland Applied Technology College

Representatives of the Media

Brian Maffly, *Salt Lake Tribune*
Amy K. Stewart, *Deseret News*

Other Guests

Thomas C. Anderson, Assistant Attorney General
Spencer Pratt, Office of the Legislative Fiscal Analyst

Chair Pitcher called the meeting to order at 9:45 a.m. He excused Regents Patti Harrington, Amy Engh, and Jack Zenger.

Announcements. Chair Pitcher noted Regent Jim Jardine had received a call to serve as the president of the California Sacramento Mission. He thanked Regent Jardine for his service to the Board and to higher education. He will truly be missed. Chair Pitcher announced he had received a letter of resignation from Regent Sara Sinclair. He acknowledged and welcomed Dr. Steve Nadauld, Interim President of Dixie State College, and said the Board was glad President Cynthia Bioteau had decided to remain in Utah as President of Salt Lake Community College. Chair Pitcher expressed the Regents' sympathy to President Scott Wyatt on the recent death of his father.

The Regents were dismissed to their respective committees and reconvened in Committee of the Whole at 11:12 a.m.

Reports of Board Committees

Academic, CTE and Student Success (Programs) Committee – Regent Katharine B. Garff, Chair

University of Utah – Master of Science Degree in Clinical Investigation (Tab A). Chair Garff said the committee had heard an excellent presentation from University officials. This program was designed to provide doctors wanting academic careers with the clinical training needed to be competitive in securing research grants. (Applicants will already have earned their MD, OD or DMD degrees.) There are two tracks to the program: the first track emphasizes inherited bases for human disease, and the second track emphasizes epidemiology. The program will be supported through an NIH grant. **Chair Garff moved approval of the**

University of Utah's request for a Master of Science Degree in Clinical Investigation. Regent Snow seconded the motion, which was adopted unanimously.

Dixie State College – Associate of Applied Science Degree in Respiratory Therapy (Tab B). Chair Garff stated this program would fit well with the other programs Dixie now offers in health professions. She noted this represents a strong relationship between the college and its health care community. **Chair Garff moved approval of Dixie State College's request for an Associate of Applied Science Degree in Respiratory Therapy. The motion was seconded by Regent Snow and adopted unanimously.**

Utah Valley State College – Associate of Applied Science Degree in Construction Management and Name Change: AAS Degree in Building Construction and Construction Management to AAS Degree in Construction Management (Tab C). Chair Garff noted the industry itself had helped to fund this program, demonstrating its need. The program provides career mobility for students, building on the foundation of the current degree in building construction. College officials had discussed with the committee the possibility of a four-year degree in the future. **Chair Garff moved approval of UVSC's request for an Associate of Applied Science Degree in Construction Management and subsequent name change. Regent Snow seconded the motion, which carried unanimously.**

Consent Calendar, Programs Committee (Tab D). **After a motion by Chair Garff and a second by Regent Cespedes, the Board gave fast-track approval of the following items on the Programs Committee's Consent Calendar:**

1. Davis Applied Technology College – Certificate of Completion in American Sign Language Interpreting
2. Dixie Applied Technology College
 - A. Certificate of Completion: Medical Assisting
 - B. Certificate of Proficiency: Pharmacy Technician
3. Mountainland Applied Technology College
 - A. Certificate of Completion: Practical Nursing
 - B. Certificate of Proficiency: Pharmacy Technician

University of Utah – Graduate Guarantee (Tab E). Chair Garff explained that the Graduation Guarantee was established last year as a student-initiated program for first-time freshmen and transfer students. The program is designed to assist students to graduate. Students develop a plan and time frame for completing their education, then meet with an academic advisor each semester to ensure they are on schedule. They also seek advice from Career Services regarding their future goals. The contract is a living document that can be adjusted when necessary. Included in the contract is a commitment that if a student is prevented from graduating on time due to the unavailability of a course promised by the contracting department and an acceptable alternative cannot be found, the student will not be charged tuition and fees when taking the course at a later date. Ten colleges offering undergraduate programs have agreed to adopt the Graduation Guarantee. Chair Garff said this was a very creative idea. Students participated in the discussion, and the Graduation Guarantee has the support of the University Academic Advising Council, the Council of Academic Deans,

department chairs, Student Commission, President Young, Senior Vice President Pershing, and Associate Vice President Brinkman.

Annual Regional Undergraduate Student Philosophy Conference (Tab F). Chair Garff asked Assistant Commissioner Safman to report on the conference. Dr. Safman said under the guidance of SLCC Professor Dr. Alexander Izrailevsky, undergraduate students had presented papers on complex concepts regarding John Dewey's moral philosophy. The students learned how to apply those concepts to their personal lives. Three students remarked briefly on their experiences in the conference and responded to questions.

Amendments to Policy R312, Configuration of the Utah System of Higher Education and Institutional Missions and Roles (Tab G). Chair Garff asked that this be discussed by the Strategic Planning Committee, which had met jointly with the Programs Committee. (See page 7)

Finance, Facilities and Accountability Committee – Regent Jerry C. Atkin, Chair

Proposed Revisions to Policies R710, Capital Facilities, and R711, State Building Board Delegation of Capital Facilities Projects (Tab H). Chair Atkin said the policy revisions increased the amount of a capital development project, new construction project, etc. The changes were made to comply with the State Code and were mostly housekeeping in nature. **Chair Atkin moved approval of the revisions to Policies R710 and R711. Regent Cespedes seconded the motion, which was adopted unanimously.**

Consent Calendar, Finance Committee (Tab I). Chair Atkin referred to Replacement Tab I and explained that the University of Utah had requested that a property purchase be added to the Consent Calendar after the agenda had been published. The facility was purchased for use as a data center for the University of Utah, a storage facility for the University of Utah Hospital and Clinics, and a storage facility for UHEAA, UESP and possibly other agencies. **On motion by Chair Atkin and second by Regent Morgan, the following items were approved on the Finance Committee's Consent Calendar:**

1. University of Utah and Utah State University – Capital Facilities Delegation Reports
2. Utah State University – Purchase of Property Adjacent to Tooele Campus
3. Southern Utah University – Charter School Lease
4. University of Utah – Purchase of Real Property

2008-2009 Capital Improvement Funding (Tab J). Chair Atkin stated 1.1 percent of the estimated value of the state's capital facilities budget is used annually for improvements. Higher education will get 62 percent of that funding. A summary of capital improvement funding for the years 2005-2009 and the capital improvements approved by the State Building Board for FY 2009 were attached to the Commissioner's cover memo.

Removing State Sales Tax on Textbooks – Follow-up Report (Tab K). Chair Atkin reported the State Tax Commission determined that an institution may be exempt from collecting sales tax on textbooks if that institution holds 501(c)(3) status with the Internal Revenue Service. A meeting between USHE staff and Tax Commissioners reaffirmed this exemption. The Tax Commission requested a systematic approach in developing reasonable guidelines for the various bookstores of the institutions. Commissioners also authorized

"related course materials" which can include materials required for courses beyond textbooks. Currently, all USHE institutions except for the College of Eastern Utah and the Utah College of Applied Technology have received a 501(c)(3) designation; CEU and UCAT have applied for that filing designation. A formal policy and guidelines will be presented to the Regents for approval at a future date.

UHEAA – Information Update (Tab L). Chair Atkin noted UHEAA is a \$5-billion organization, half of which is student loans and the other half UESP accounts. The student loan program has been affected by the current credit market problems stemming from sub-prime mortgage rates. The auction rate markets where student loans are financed have been frozen, leaving investors without liquidity and increasing UHEAA's interest costs. UHEAA will still be able to offer loans because of its financial strength but cannot continue indefinitely without Congressional action and the eventual recovery of the credit markets. It may be necessary for the Board of Regents to meet in emergency session over the next few months to give approval for new financing plans.

Commissioner Buhler said Congress cut the margin for making student loans. At the same time, the credit markets were disrupted because of problems in the housing situation. Several newspaper articles were included in the Regents' folders about this situation. Utah has a very good program that has been managed very well. Commissioner Buhler said he meets frequently with Dave Feitz, UHEAA Executive Director, to stay current and to discuss ongoing issues. Utah is probably better positioned than many other states to weather the current storm.

Regent Jordan, Chair of the UHEAA Board of Directors, noted the difficult environment for student loan providers everywhere and expressed his belief that a national solution to the student loan problems would come. He noted UHEAA is the state of Utah's designated guarantor and is obligated to make student loans available to students attending all of the eligible higher education institutions in Utah, including the private institutions. Commissioner Buhler referred to an article in the April 18 *Salt Lake Tribune* reporting that the U.S. House of Representatives had voted 383-27 on a possible solution to the student loan problems.

President Nadauld, also a member of the UHEAA Board, said UHEAA has been among the highest-rated student loan agencies in the nation. He noted the strength and experience of UHEAA's management and expressed his belief that UHEAA would withstand the current difficulties. He noted UHEAA's excellent record and the financial benefits UHEAA has been able to provide students because of the creativity of UHEAA's investment bankers. He indicated UHEAA has the best student loan investment banker in the nation. Although some lending institutions are leaving the student loan market, others remain committed to providing student loans in spite of the difficult student loan lending environment.

Strategic Planning and Communications Committee – Regent James S. Jardine, Chair

Policy R609, Regents' Scholarship (Tab M). Chair Jardine said this agenda item had not been discussed by the committee. He asked Assistant Commissioner Doty to comment. Dr. Doty said this policy was a follow-up to S.B. 180, requiring the Regents to draft a policy to implement the Regents' Scholarship program. The attachment to Tab M was a draft only; a final version will be brought back to the Board in May for adoption. Regent Morgan expressed concern about the complexity of the issue; four different scholarships are included in this policy. This may confuse students. He asked if the policy could be shortened and simplified. Funding

levels have not all materialized as hoped. The policy promises a set dollar valuation, but the funds may not be appropriated. Assistant Commissioner Doty pointed out Utah has 136 public high schools, including charter schools. We are working on the assumption that at least five students from each high school would meet the criteria for one or both of these scholarships. Estimates are that the cost would be \$850,000 this year. Some of the schools with the Utah Scholars program have a greater number of students graduating who would meet this criteria. The Commissioner's staff expects to be able to fund the scholarship in the first year, but no allowance has been made for growth. Vice Chair Beesley asked if the scholarship would be funded on a first-come, first-served basis while funding is available. Commissioner Buhler said all of these scholarships are now statutory programs. Our responsibility is to communicate clearly the differences and various options. He noted we have always funded the New Century Scholarship, partly with supplemental appropriations.

Report of Regents' Small Planning Group (Tab N). Commissioner Buhler said the attachment was a summary of the work being done by the team of former Commissioner Rich Kendell, Regent Tony Morgan and Regent Jack Zenger. Regent Morgan gave a brief overview. The attachment to Tab N was an updated version of the document discussed by the Regents and Presidents at the planning meeting in St. George. The intent is for this to be the basis for some consensus on the strategic issues facing the Utah System of Higher Education. Working groups will be appointed to begin to develop specific solutions that will be presented to the Board for review and approval through the Strategic Planning Committee. Regent Morgan invited input from the Regents and Presidents. This was not meant to be comprehensive; the group is focusing on System issues only. The intent is to identify a short list of the highest-priority issues and then to try to develop some possible solutions. Input can be given now on the concept. An opportunity will be provided later for input on the strategic development.

Policy R312, Configuration of the Utah System of Higher Education and Institutional Missions and Roles (Tab G). Chair Jardine said the Programs Committee and the Planning Committee had met together to discuss this policy. Due to time constraints, the discussion period was short. He explained the background for revisions to this policy. Recently, UVSC officials proposed that when the college becomes Utah Valley University, they would seek a new Carnegie category classification of Community-Engaged. The Programs Committee asked staff to review the Carnegie classifications which had been changed in the last five years. In the process, they were reminded that in 2003 it was recommended that institutional missions and roles be reviewed every five years. In that review, the Regents will consider the institutional missions and roles in relation to the Carnegie classifications. Discussion will begin at the institutional level and then come back to the Regents for approval as missions and roles are updated. A draft of the revised policy was included with the agenda for review. It is a starting point, for discussion only. The Regents may want to look at this more closely in light of the future needs of the institutions to make sure the schools meet the needs of their communities. Regent Morgan stated one of the themes of the strategic planning exercise is the future configuration of the System. Chair Jardine said other changes to the policy would probably arise later.

General Consent Calendar

On motion by Regent Reid and second by Regent Jardine, the following items were approved on the Regents' General Consent Calendar (Tab P):

- A. Minutes
 - 1. Minutes of the Regents' Annual Planning Retreat and Regular Board Meeting held March 20-21, 2008, at Dixie State College in St George, Utah
 - 2. Minutes of the Special Board Meeting held March 27, 2008 in the Regents' Offices in Salt Lake City, Utah
- B. Grant Proposals – On file in the Commissioner's Office
- C. Grant Awards
 - 1. Utah State University – NASA Jet Propulsion Laboratory; "Wide-Field Infra-Red Survey Explorer (WISE)"; \$1,232,269. John Elwell, Principal Investigator; Scott Schick, Co-Principal Investigator.
 - 2. Utah State University – U.S. Naval Research Laboratory; "Time-critical Sensor Image/Data Processing, Naval Research Laboratory, Task Order 7"; \$2,315,101. Niel Holt, Principal Investigator.
 - 3. Utah College of Applied Technology/Davis ATC – U.S. Department of Labor; "Community-Based Job Training Grant"; \$2,271,000. Michael Bouwhuis, Campus President.
- D. Revision to Policy R205, *Presidential Appointment, Term of Office, and Compensation and Benefits*. A new paragraph was added to Policy R205 to clarify that institutions may not grant tenure to a president without prior approval of the Board of Regents.

Report of the Commissioner

Commissioner Buhler referred to his written report and highlighted some of the outstanding achievements taking place at our institutions. He noted the Governor's Scholars luncheon had been held earlier in the week; 36 students from USHE schools, plus Westminster College and BYU, were honored. President Benson gave an excellent address to inspire the students. A legislative task force has been formed to look at higher education and UCAT governance issues. The task force will be co-chaired by Senator Curtis Bramble and Representative Kevin Garn. The group expects to begin meeting in early May. A joint meeting with the State Board of Education and Legislative Education Committees has been scheduled on July 10 at Southern Utah University, with our regular Board meeting on the following day. The outgoing and new student body officers were recognized.

Resignation of Amanda Covington. Commissioner Buhler paid tribute to Amanda Covington, Assistant Commissioner for Public Affairs. Amanda accepted a marvelous opportunity in the private sector, and her last day in the Commissioner's Office will be Friday, April 25. The Commissioner recognized the many contributions she had made and thanked her for her service. She will be greatly missed. An open house will be held on April 25 from 2:30 to 4:00 p.m., to which everyone is invited.

Report of the Chair

Chair Pitcher referred to his written report in the Regents' folders and thanked Amanda for her excellent work in preparing the reports for each meeting. He briefly highlighted a few of the student successes detailed in his written report.

Resignation of President Ryan Thomas. Chair Pitcher noted this was also President Thomas's last meeting as CEU President. He has done an outstanding job. He will leave CEU at the end of the academic year. Chair Pitcher wished President Thomas well.

Adjournment

Regent Reid moved that the Board move into closed session to discuss personnel issues. Regent Holbrook seconded the motion, which was adopted unanimously.

The Committee of the Whole ended at 12:00 noon. The Regents met for lunch in closed session and adjourned from there at 1:15 p.m.

Joyce Cottrell CPS, Executive Secretary

Date Approved