

MINUTES OF THE REGULAR MEETING
of the
BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM
Madison, Wisconsin
September 11, 1992

<u>Subject Index</u>	<u>Pages</u>
Approval of minutes	1
 REPORT OF THE PRESIDENT OF THE BOARD	
Report of the Vice President of the State VTAE Board	1
Report of the Higher Educational Aids Board	1
Report of the Educational Communications Board	2
Report of the Council of Trustees of the UW Hospital and Clinics	2-3
Report on legislative matters	3
1992 Campus tour schedule	3-4
Partnership Week	4
 REPORT OF THE PRESIDENT OF THE SYSTEM	
Approval of nonpersonnel actions	4-5
Presentation: Regents' Teaching Excellence Award	5-6
Statement by President Lyall	7 & EXHIBIT A
Section UWS 17.06(2), <i>Wisconsin Administrative Code:</i> Student Nonacademic Misconduct--Discriminatory Harassment	7-14
 REPORT OF THE EXECUTIVE COMMITTEE	
	14 & EXHIBIT B
 REPORT OF THE BUSINESS AND FINANCE COMMITTEE	
Approval of gifts, grants and contracts	15
Eleanor S. Poss bequest	15-16
Report on Base Salary Adjustments to Recognize Competitive Factors	16
Authorization to recruit Vice Chancellor for Administration, UW-Madison	16
Report of Governor's Commission on UW System Compensation	16-17 & EXHIBIT C
Tuition policy--first reading	17-18
Draft proposal for UW Hospital restructuring	18
Informational Report on Distribution of 1992-93 Salary Increases for Faculty and Academic Staff	18
Annual Report of Sick Leave Usage	19
Trust Fund matters	19
Report of the Vice President	19
Investment managers	19-20
Audit Subcommittee meeting	20

<u>Subject Index</u>	<u>Pages</u>
REPORT OF THE PHYSICAL PLANNING AND DEVELOPMENT COMMITTEE	
UW-Whitewater: approval of 1992 Campus Development Plan	21
UW-Madison: approval of design report; authority to construct Genetics Building basement remodeling	21
UW-Madison: authority to construct Eagle Heights renovation	21
UW-Madison: approval of design report; authority to construct Stovall Hall Laboratory modifications	21
UW-Milwaukee: authority for agreement with DOT; approval of design report; authority to construct alternative fuels emission test lab	22
UW-Milwaukee: authority to construct roof repair/replacement of Lapham Hall	22
UW-River Falls: approval of design report; authority to construct Rural Development Institute remodeling	22
UW-Whitewater: approval to name Auditorium in Winther Hall	22-23
Options for funding facilities construction	23
Contracting out for Physical Plant services	23
REPORT OF THE EDUCATION COMMITTEE	
Authorization to Recruit Vice Chancellor and Dean of Faculty, UW-Superior	24
Authorization to recruit Professor, Marketing, School of Business, UW-Madison	24
Named Professors, UW-Madison	24-25
Report on Implementation of Strategic Planning in Business Administration	25
Report on Assessment of Verbal and Quantitative Skills and Implementation of Academic Quality Program	25-28
Education Committee Work Plan	28
REGENT COMMITTEE ON RELATIONSHIP WITH UNIVERSITY BOOKSTORE	
Status Report	28-29
UNFINISHED OR ADDITIONAL BUSINESS	
Change in date of June 1993 Board of Regents meetings	29
Proposed creation of Administrative Rules, Chapter UWS 22	29
CLOSED SESSION ACTIONS	
Extension of leave of absence, UW-Madison	30
Appointments to Board of Visitors, UW-Superior	30
Appointments to Board of Visitors, UW-Milwaukee	31
Consideration of dismissal of a tenured faculty member, UW-Parkside	31

MINUTES OF THE REGULAR MEETING

of the

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

Madison, Wisconsin

Held in Room 1820 Van Hise Hall
Friday, September 11, 1992
9:10 a.m.

- President Steil presiding -

PRESENT: Regents Barry, Budzinski, Davis, Dreyfus, Flores, Gelatt, Grebe, Gundersen, Hempel, Hirsch, Krutsch, Lubar, Lyon, Nicholas, Schilling and Steil

ABSENT: Regent Grover

Approval of Minutes

Upon motion by Regent Hirsch, seconded by Regent Schilling, the minutes of the July 10, 1992, meeting were unanimously approved with the second-to-last paragraph on page 10 revised at the request of Regent Krutsch to read as follows:

Regent Krutsch suggested that current curricular requirements do not appear to justify including oral and written communication skills in a second language in the statement of goals at this time. She also asked if an attempt is being made to provide a course in scientific literacy for the non-scientist.

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REPORT OF THE PRESIDENT OF THE BOARD

Report of the Vice President of the State Board of Vocational, Technical and Adult Education

A written report was provided by the Vice President of the State Board of Vocational Technical and Adult Education.

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Report of the Higher Educational Aids Board

A written report was provided of the July 24, 1992, meeting of the Higher Educational Aids Board.

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Report of the Educational Communications Board

Supplementing his written report of the August 17, 1992, meeting of the Educational Communications Board, Regent Davis noted that the Educational Communications Board will be seeking a new Executive Director to succeed Mr. Paul Norton, who has accepted another position.

Report of the Council of Trustees of the UW Hospital and Clinics

Regent Flores, Chair of the Council, reported that, at its September 10, 1992, meeting, the Council welcomed two new members: Artha Jean Towel, of Madison, and Dr. Andrew Crummy, the new Chief of Medical Staff at the hospital. Eloise Anderson has resigned from the Council.

The Council was advised that outpatient volume for the first two months of the fiscal year increased significantly over the same period a year ago, and inpatient activity was approximately the same as a year ago. Recruitments are underway for new chairs in five clinical departments of the Medical School.

Reporting on the annual audit of the UW Hospital, Mr. Fred Ford, of Peat, Marwick of Milwaukee, informed the Council that the hospital is in a strong financial position. He noted the hospital's ratio of debt service coverage as being particularly strong with a ratio of 5.6 compared to the 2.5 national average for a teaching hospital. Areas of concern are the hospital's cash reserves of approximately 50 days, and the average days of uncollected revenue, which rose to 81 days last year--about the national average.

The Council discussed the issue of hospital restructuring. After briefly reviewing the origination of the restructuring proposal, Vice Chancellor Noren outlined the Integrated Working Proposal for University Hospital Restructuring, a report resulting from the efforts of the six work groups appointed in March 1992 to develop operational details for two methods of restructuring: 1) delegation of the hospital management to the Board of Regents; and 2) the establishment of a public authority to operate the hospital. Dr. Noren reported that, following careful review of the comprehensive report, the public authority model emerged as the favored approach for restructuring.

Faculty from the schools of Medicine, Nursing and Pharmacy already have endorsed the public authority working proposal. The Faculty Senate and Academic Staff Assembly will take action on the proposal in the coming weeks. The fundamental issue to be addressed by restructuring is preservation of the hospital's ability to support the university's academic mission related to health professions education and research in the health sciences. Council discussion focused chiefly on the issue of governance, particularly the size and makeup of the public authority's board of governors. The working proposal calls for a board of 22 members--12 members representing the public and 10 representing the university. Several Council members suggested that a 22-member board may be too large, and others suggested revisions in board membership.

Dr. Noren concluded by outlining the timetable for further consideration of the proposal, noting that if the Board of Regents' action were to occur at its October meeting, then the proposal would be submitted to the Governor and the Legislature for consideration during the next legislative session--January to March 1993. If approved by the Legislature and Governor, implementation could possibly occur 6 to 12 months later. The Council adopted a resolution endorsing both the concepts of hospital restructuring and the recommendation for a public authority model as the preferred option. The Council also suggested that the Board of Regents appoint a committee to address the governance issues raised by the Council and by other groups who have reviewed the proposal.

Finally, the Council appointed Regent Krutsch to serve on the Council's Quality Assurance Subcommittee, replacing Ms. Anderson, whose resignation from the Council left a vacancy on the subcommittee.

Report on Legislative Matters

A written report was provided by Acting Vice President Judith Ward.

1992 Campus Tour Schedule

Regent President Steil reported on two campus tours being arranged for the Regents at his request through the offices of Senior Vice President for Administration and the Vice President for University Relations.

On the first tour, scheduled for September 28 and 29, participants will visit the Marshfield Agricultural Research Station, the UW Center-Marshfield/Wood County, a high-tech dairy farm which has benefited from a close working relationship with the university, UW-Eau Claire, UW-Stout and UW-River Falls. On the second tour, scheduled for October 19 and 20, participants will visit UW-Platteville, the Gundersen Clinic, UW-La Crosse, UW Center-Rock County, UW-Whitewater, and UW-Parkside. On both tours, Regents will have the opportunity to meet with business and community leaders, as well as faculty, students and staff on each campus.

These visits, Regent Steil stated, will provide an excellent opportunity for Regents to become better acquainted with the diversity and strengths of the UW System and some of its fine programs. The visits also will provide an on-site perspective of some of the critical issues facing higher education in these times.

There had been a very positive response to these tour plans, with a number of Regents already having signed up for each of them. Others commented that, while they cannot attend at this time, the idea is a good one.

Expressing appreciation for the interest shown by Regents and for the cooperation of the personnel involved at the campuses and in System Administration, President Steil said that more visits would be arranged in the future, so that the Regents will have the opportunity to become better acquainted with all of the schools within the UW System.

During his first three months as President, Regent Steil had made a concerted effort to visit as many campuses as possible. Accompanied by the Senior Vice President of Academic Affairs, he had visited UW-Superior, UW-River Falls, UW-Stout, UW-Eau Claire, UW-Platteville and UW Center-Richland Center. In each of these communities, they met with community leaders, faculty, administrators and students. On September 14, they planned to visit UW-Stevens Point and the UW Center-Marathon County. No amount of reading, he commented, could equal the actual experience of being on campus.

Partnership Week

President Steil reported that, during the week of September 21 through 25, 1992, the UW System will participate in the first "Governor's Higher Education/Business Partnership Week," a statewide series of programs highlighting the significant role of state and private post-secondary education in the economic life of Wisconsin.

More than 50 local events are planned from Superior to Kenosha, involving the UW System, VTAE campuses, and independent colleges and universities. As a source of technology transfer, job-ready graduates and faculty/staff expertise, he noted, higher education in this state has much to offer its partners in the business world. "Partnership Week" will be a showcase for such programs.

Encouraging Regents to participate insofar as their schedules permit, Regent Steil indicated his intention to attend programs at UW-Whitewater and UW Center-Rock County.

REPORT OF THE PRESIDENT OF THE SYSTEM

Approval of Nonpersonnel Actions

Presenting Resolution 6192, President Lyall drew attention to (1) a memorandum of understanding between UW-Madison and the Department of Health and Social Services for storage of toxic waste materials; and (2) two legal services contracts--one for a seminar on sports law and the other with the Wisconsin Coalition for Advocacy to teach assessment of the legal needs of elderly persons with disabilities. These are both instructional contracts, not representational legal services contracts.

Regent Gelatt suggested that items over \$5,000 be individually identified in the future listings.

Upon motion by Regent Gelatt, seconded by Regent Davis, the following resolution was adopted unanimously:

Resolution 6192: That the report of nonpersonnel actions by administrative officers to the Board of Regents and information items reported for the record (copy on file with the papers of this meeting) be received for the record; and that actions included in the report be approved, ratified and confirmed.

Presentation: Regents' Teaching Excellence Award

President Lyall announced this to be the first year for the Regents' Teaching Excellence Award, having been established in the spring of this year with funds reprogrammed from the former Regents' Professorship Program. The Board voted to make awards this year in memory of Joyce Erdman, former Regent President, who died in a tragic accident last year. Her physical and intellectual energy and her commitment to students will live on in this Award. Her husband, Marshall, himself an outstanding supporter of the university, attended this presentation, along with his son, Tim.

Two Award winners were selected by a Regents' Committee, composed of Regent Krutsch (Chair), Regent Emeritus Clusen and Regent Flores. These first Awards in recognition of the importance of teaching in the UW System go to Professor Max Schoenfeld, Professor of History at UW-Eau Claire, and Professor Robert Burrows, Professor of English at UW-Whitewater. Currently being on a sabbatical, Professor Burrows will be recognized at a meeting next spring.

As Chair of the Committee, Regent Krutsch outlined some reasons why Professor Schoenfeld was selected as one of this year's recipients: his strong commitment to teaching and student learning; his use of effective teaching strategies; and the significant impact he has had on students' intellectual development during his 30-year career. Having received his BA in 1957 from Allegheny College and his Ph.D. from Cornell in 1962, he is a member of the Phi Beta Kappa. He has taught History at UW-Eau Claire since 1964 and has authored five books.

The Committee was inspired, Regent Krutsch said, by his dedication to both his discipline and his students, and she encouraged Wisconsin Public Radio to air selected lectures of the Teaching Excellence Award recipients as a true state resource.

Professor Schoenfeld is a representative of many other nominees in several significant ways, she continued. He has a great love for and dynamic interest in both his discipline and his profession; his courses are rigorous and he has high expectations of his students; and through his teaching methods and his sincere interest in individual students, he has profoundly affected many of their lives.

Regent Krutsch commented that, as a Regent, she would like to see master teachers such as Dr. Schoenfeld have the opportunity to more substantially influence the direction of organizations such as the Undergraduate Teaching Improvement Council. Excellence in teaching is most effectively promoted by those who embody that excellence. Possibly, time at UTIC could be compulsory service for recipients of this Award.

"In a decade where we will be hearing more about outputs in education, Regent Krutsch continued, "it is instructive to listen to Professor Schoenfeld's ideas about what he would like his students to learn from his courses. He asks, 'First, that they will have broadened and deepened their knowledge. Second, that they will have developed the habit of thinking critically and will have acquired skills in analyzing information, categorizing and evaluating the worth of what they learn. Third, that they will have mastered the skills of how to research a subject and to express their ideas clearly in speaking and in writing. Fourth, that they will ultimately understand that values are as important as knowledge and skills.'"

Regent Krutsch concluded by quoting some of the remarks in support of Professor Schoenfeld's nomination, made by W. A. Jacobs, a former student of his, who said that he feels fortunate to have been introduced to this discipline and profession by a great teacher. "Nothing in my experience as a student had so powerful an effect on my mind, nothing so stimulated thinking as my Schoenfeld lectures. . . . I learned the basics of good judgment from him. . . . In his lectures, one saw a seamless pattern of definition, classification, comparison, contrast, and, finally, interpretation. One learned the high and difficult art of crafting firm conclusions while remaining open to revision from evidence or logic. History, in the grand sense, is a mystery. Some want to solve it--to master it by formula; others recoil in confusion and retreat into formless antiquarianism. Professor Schoenfeld represents and teaches the middle way. . . . In short, he taught me how to be a reasonable person. That was far more important than any fact or idea about early modern England. It is the most valuable gift any teacher can bestow on a pupil. I will always be grateful."

Marshall Erdman then joined Regent Krutsch in presenting the award to Professor Schoenfeld.

Professor Schoenfeld explained what it means to be a UW System faculty member and his educational philosophy by stating that improving his own knowledge and understanding through scholarly research and integrating the results enriches his teaching. He said that he has been fortunate to work in an environment of gifted colleagues, supportive superiors and intellectually curious students. He hopes that his students will have broadened and deepened their knowledge; developed a habit of thinking critically and acquired skills to analyze information; mastered research skills and expression of ideas; and learned that values are as important as knowledge and skills.

Encouraging his students to reach their goals by having high expectations, he takes an interest in their concerns and ambitions. He holds himself accountable to a high personal standard of conduct as an incentive and also learns from his students in order to improve his own skills and effectiveness. Finally, he said, students learn and respond better because "I care about what I am doing and I enjoy doing it."

Statement by President Lyall

In remarks of welcome to the new academic year, President Lyall made a statement which emphasized that the UW System is in good condition; that creative change is underway; and that more change is needed to sustain excellence and educational opportunity. The statement invited all to join in sustaining the social compact to assure that the Wisconsin Idea continue to thrive, and urged the development of accountability measures based on outcomes achieved for Wisconsin. The full text of the President's statement is attached as EXHIBIT A.

**Section UWS 17.06(2), *Wisconsin Administrative Code*:
Student Nonacademic Misconduct--Discriminatory Harassment**

Adoption of the following resolution was moved by Regent Barry and seconded by Regent Grebe:

Whereas, the Board of Regents strongly and unequivocally condemns discriminatory harassment in any form and deplores the intolerant attitudes which underlie harassing words and deeds; and

Whereas, the Board of Regents hereby reaffirms the Statement of Basic Principles, unanimously adopted on March 6, 1992, which states as its first sentence -- "True learning requires free and open debate, civil discourse, and tolerance of many different individuals and ideas," and further states the Board's commitment to maintaining an environment conducive to teaching and learning that is free from intimidation for all students; and

Whereas, the Board of Regents hereby reinforces the call issued in that statement for all members of the university and the wider community to honor and embrace the spirit of the Statement of Principles, and for all UW institutions to strongly and proactively promote through educational efforts the values of tolerance and diversity so essential to the free exchange of ideas and a productive learning environment; and

Whereas, consistent with the Statement of Basic Principles, the Board of Regents in May 1992 adopted UWS 17.06(2), *Wisconsin Administrative Code*, which prohibits the utterance of discriminatory epithets directed at specific individuals; and

Whereas, since that time, rulings by the United States and Wisconsin Supreme Courts have cast doubt on the constitutionality of UWS 17.06(2) -- doubt which could be resolved conclusively only by costly litigation;

Therefore, the Board of Regents initiates action at this time to repeal Section UWS 17.06(2). The Board takes this action because of serious doubt about the constitutionality of this provision and not because of any weakening of commitment to the Statement of Basic Principles. The Board of Regents reaffirms that it is the policy of the Board to pursue civil and criminal remedies and to apply appropriate provisions of Chapter UWS 17, *Wisconsin Administrative Code*, to respond to assaultive and violent conduct, physical threats and intimidation, and destruction of property that may be associated with discriminatory harassment.

The Board hereby directs UW System Administration staff to prepare in proper form, and submit to the Legislative Council Rules Clearinghouse for review, a proposed rule-making order repealing UWS 17.06(2), *Wisconsin Administrative Code*, concerning discriminatory harassment by students; and further

The Board directs the Secretary of the Board of Regents to file a notice with the Revisor of Statutes, for inclusion in the *Wisconsin Administrative Register*, stating that the proposed repeal of the rule will be promulgated without public hearing unless a petition is received by the Board of Regents within 30 days after publication of the notice, signed by any of the following: (1) Twenty-five natural persons who will be affected by the proposed rule; (2) a municipality that will be affected by the proposed rule; or (3) an association which is representative of a farm, labor, business or professional group that will be affected by the proposed rule.

Noting that a friendly campus environment is a key to attracting and retaining minority students, Regent Schilling thought minority students would construe the proposed action as a retreat from commitment on the part of the Board. He recalled the many hours spent consulting with legal experts and others in an effort to craft the best possible rule. It is recognized that most problems of insensitivity should be remedied by education and that UWS 17.06(2) applies only to that rare circumstance when an individual is singled out and verbally attacked in order to make that person feel unwelcome on campus. Citing as an example the case of male students verbally harassing black women in the library, Regent Schilling noted that such speech would be prohibited under well-established workplace laws if those same students were doing dishes together in the Student Union.

He noted that legal advice received by the Board rendered the opinion that the rule is constitutional, notwithstanding the Supreme Court cases. It is a great disappointment, he stated, that some doubt about constitutionality, and speculative concern about cost, would keep the Board from continuing to do everything possible to create the right kind of environment and protect deserving students from venal conduct.

Expressing agreement with Regent Schilling, Regent Flores moved to request the Attorney General's opinion on the constitutionality of UWS 17.06(2). The motion was seconded by Regent Schilling.

Regent President Steil interpreted the motion by Regent Flores as a motion to amend the resolution.

In response to a question by Regent Gelatt, Regent Flores said his intention was to receive the Attorney General's opinion before starting a repeal procedure.

Regent Gundersen commented that the extensive testimony before the Board concerning incidents of verbal harassment seemed to have been forgotten. He thought an opinion from the Attorney General would be in order, rather than moving to repeal the rule on the basis of doubts alone. The UW's constitutional experts, he noted, believe the rule to be constitutional.

Questioning the role of a State Attorney General's opinion on a U.S. constitutional issue, Regent Dreyfus assumed such an opinion would be advisory only. He also questioned the wisdom of asking for an opinion in the midst of an election year lest there be a lengthy delay, leaving the rule in limbo in the interim.

Regent Gelatt suggested the possibility of hiring a constitutional lawyer from a Wisconsin firm to provide an objective and nonpolitical opinion.

Noting that the rule was designed to deal with a serious and continuing problem, President Lyall said that UW institutions need means to deal with such incidents. The legal advice received so far suggested that the revised rule will pass the constitutional test. She suggested that all legal inquiry, including an inquiry to the Attorney General, be exhausted before repealing a rule which helps to assure minority students that the UW can protect them from discriminatory harassment.

Commenting that controversy over the rule is developing into a festering sore, Regent Lubar thought a disinterested legal opinion should be obtained. If doubt as to constitutionality remained, the rule should be repealed and the focus should be shifted to address harassing conduct and not speech.

Regent Davis spoke against repeal of the rule, commenting that he thought policy should be made slowly, with great debate, as this rule had been enacted only after extensive testimony and by votes with substantial majorities. He had grave concern about reversing that policy precipitously, without having the best information that could be obtained. He did not believe the Board should ignore the court rulings which had been handed down, but suggested that dispassionate analysis be done before making so significant a change in policy.

Another argument against quick policy reversal, Regent Davis commented, is that large institutions expect reasonable stability of direction from their governing bodies, with any change being well thought out. If policies are reversed too quickly, he felt an administration might react by merely waiting to see if the policy will be reversed again. A further risk in reversing policies too quickly, he observed, is that politicians will be more likely to step in if they do not believe decisions are firmly rooted in facts and based on the merits of the situation.

Finally, he thought repeal of the rule would certainly be seen as a decommitment from resolve to deal with the problem of harassment. If the rule were repealed, he felt the Board must have a plan for dealing with the harassing incidents which continue to occur.

Regent Davis moved to table the resolution until a legal opinion could be obtained on the constitutionality of the rule. The motion was seconded by Regent Schilling.

After points of order were raised, the motion was withdrawn so that debate could continue.

Regent Budzinski felt requesting a legal opinion would be simply a means of delaying an action that he felt should be taken at this meeting.

With regard to the motion to seek an Attorney General's opinion, Regent Steil noted the Attorney General's intention to appeal the decision of the Wisconsin Supreme Court in a related matter. He thought it would be difficult to write an opinion on a subject about which he had taken a public position.

The proposed amendment was withdrawn by Regent Flores.

Regent Budzinski called for the question.

Points of parliamentary procedure were raised with regard to calling of the question, and a five-minute recess was taken to allow research on the procedural issues involved.

Regent Budzinski agreed to withdraw his call for the question with the understanding that debate would continue without reintroduction of a motion to table the resolution.

Regent Dreyfus stated his strong feelings about freedom of both written and spoken communication, noting the unanimous opposition of the media to the rule. If the resolution were adopted, he intended to introduce a motion to seek further legal advice from sources outside the campus, in order to address the concerns that had been raised.

Regent Grebe had voted against the new rule when it was adopted and intended to vote for the resolution to repeal the rule because he was even more convinced that the rule is unconstitutional. He also had a serious reservation, if the rule were deemed constitutional on its face, about the ability to administer it in a constitutional manner. While he shared Regent Davis' concerns about the effect of rapid change of policy, he took some comfort in the fact that the rule was not being enforced at this time. He thought it very likely that there would be public hearings on repealing the rule, which would allow time to pursue additional legal advice. Thus, he favored the motion to repeal and also favored the suggestion by Regent Dreyfus to seek additional legal advice.

Regent Davis moved to amend the resolution by adding the following sentence: A systemwide committee will be appointed to make a recommendation on whether or not substitute rules or processes are needed to address discriminatory conduct on campus. The motion was seconded by Regent Lyon.

Put to the vote, the amendment was adopted, with Regent Nicholas voting in opposition.

Regent Flores explained that he had suggested asking for an Attorney General's opinion as an expeditious way of resolving doubts by the least cost method. Expressing his opposition to hiring an expensive law firm to render an opinion, he observed that constitutionality is best determined in the courts.

Regent Hirsch commented that the U.S. Supreme Court ruling had been unanimous in finding the St. Paul ordinance unconstitutional, although the justices differed in their reasoning. He did not consider comparing this rule to the workplace rules an applicable analogy, since students are not employees of the university. Given the Supreme Court ruling, he did not believe the rule would be found constitutional.

He agreed with Regent Davis' amendment in that, if the rule is repealed, there must be some steps taken in order to send a positive message that the Board would look for other ways to make sure that the University System is a hospitable place where people can learn in a safe environment.

Regent Lyon considered UWS 17.06(2) to be an important component of the Design for Diversity and a fair policy developed with the benefit of extensive testimony and exhaustive debate. Noting the diligent efforts that had been made to conform the rule to constitutional requirements, he urged that a legal opinion be obtained before acting on repeal of the rule.

Regent Nicholas commented that in his view free speech on campus is a more important value than any benefit that might result from restricting speech. He also considered UWS 17.06(2) one-sided and unfair. He thought other rules and laws, in combination with education and common sense, should be adequate to motivate people to work together for the common purpose of providing a good educational atmosphere.

It was his belief that more than enough time had been spent on this issue over the years and that everyone had adequate opportunity to be fully heard. He had voted against the amendment because he did not wish the issue to return to the Board again. However, he was willing to vote for the resolution as amended, although he favored the resolution as originally written.

Regent Schilling asked the Board to ponder the willingness to litigate land contracts, trademarks, and personnel matters--but not basic human rights.

Put to a roll-call vote, the resolution, as amended, was adopted, with Regents Barry, Budzinski, Dreyfus, Grebe, Hempel, Hirsch, Krutsch, Lubar, Nicholas and Steil voting "Aye" (10), and Regents Davis, Flores, Gelatt, Gundersen, Lyon, and Schilling voting "No" (6).

The resolution as amended and adopted follows:

Resolution 6193: Whereas, the Board of Regents strongly and unequivocally condemns discriminatory harassment in any form and deplores the intolerant attitudes which underlie harassing words and deeds; and

Whereas, the Board of Regents hereby reaffirms the Statement of Basic Principles, unanimously adopted on March 6, 1992, which states as its first sentence -- "True learning requires free and open debate, civil discourse, and tolerance of many different individuals and ideas," and further states the Board's commitment to maintaining an environment conducive to teaching and learning that is free from intimidation for all students; and

Whereas, the Board of Regents hereby reinforces the call issued in that statement for all members of the university and the wider community to honor and embrace the spirit of the Statement of Principles, and for all UW institutions to strongly and proactively promote through educational efforts the values of tolerance and diversity so essential to the free exchange of ideas and a productive learning environment; and

Whereas, consistent with the Statement of Basic Principles, the Board of Regents in May 1992 adopted UWS 17.06(2), *Wisconsin Administrative Code*, which prohibits the utterance of discriminatory epithets directed at specific individuals; and

Whereas, since that time, rulings by the United States and Wisconsin Supreme Courts have cast doubt on the constitutionality of UWS 17.06(2) -- doubt which could be resolved conclusively only by costly litigation;

Therefore, the Board of Regents initiates action at this time to repeal Section UWS 17.06(2). The Board takes this action because of serious doubt about the constitutionality of this provision and not because of any weakening of commitment to the Statement of Basic Principles. The Board of Regents reaffirms that it is the policy of the Board to pursue civil and criminal remedies and to apply appropriate provisions of Chapter UWS 17, *Wisconsin Administrative Code*, to respond to assaultive and violent conduct, physical threats and intimidation, and destruction of property that may be associated with discriminatory harassment.

The Board hereby directs UW System Administration staff to prepare in proper form, and submit to the Legislative Council Rules Clearinghouse for review, a proposed rule-making order repealing UWS 17.06(2), *Wisconsin Administrative Code*, concerning discriminatory harassment by students; and further

The Board directs the Secretary of the Board of Regents to file a notice with the Revisor of Statutes, for inclusion in the *Wisconsin Administrative Register*, stating that the proposed repeal of the rule will be promulgated without public hearing unless a petition is received by the Board of Regents within 30 days after publication of the notice, signed by any of the following:

(1) Twenty-five natural persons who will be affected by the proposed rule; (2) a municipality that will be affected by the proposed rule; or (3) an association which is representative of a farm, labor, business or professional group that will be affected by the proposed rule.

A systemwide committee will be appointed to recommend whether substitute rules or processes are needed to address discriminatory conduct on UW System campuses.

Regent Dreyfus moved adoption of the following resolution, and the motion was seconded by Regent Budzinski.

That the President be authorized to seek advice from eminent legal and constitutional scholars and practitioners to help us craft a rule to strengthen the hands of university administrators and faculty to deal with this problem while preserving both the goals of the university as stated in our anti-discrimination policies and our traditional commitment to free and open exchange of all ideas on our several campuses.

Citing support of the chancellors for UWS 17.06(2), Regent Gundersen suggested that the chancellors be invited to provide full input in crafting any new rule.

At the suggestion of Regent Krutsch, the proposed resolution was amended to add the words "if necessary" after the word "rule."

Stating that he would vote against the resolution, Regent Flores remarked that the Board had already heard from eminent scholars on the matter. To pay for assistance in crafting another rule would be futile, he felt, since the Board seemed clearly unwilling to adopt a new rule.

Regent Nicholas expressed concern about the cost implications of the resolution.

Regent Dreyfus explained that he took seriously Regent Schilling's point that money is spent to litigate all kinds of other matters. Nothing is more fundamental to the university, Regent Dreyfus commented, than trying to preserve free speech and at the same time preserve an environment of access to education for all students. The kind of advice contemplated by the resolution, he added, might be provided by an historian rather than by a lawyer.

President Steil pointed out that appointment of outside legal counsel is controlled by the Governor. In a recent conference with President Lyall, President Steil, and Vice President Nicholas, the Governor emphasized strongly that he wants to keep costs of outside counsel under control.

Instead of outside counsel, Regent Lubar suggested obtaining advice from the UW chancellors and deans of students as to what sort of rules, in addition to existing rules, they would propose and how they would intend to implement them.

Regent Krutsch felt that eminent scholars would be likely to disagree on the content of any particular rule. She suggested that rules might be crafted internally to focus on harassing conduct rather than speech and might deal with harassment in general, rather than harassment of particular categories of students.

Regent Gundersen asked the media to inform the public that the Board's goal has been to create an environment in which students could learn without harassment and to do so without infringing on First Amendment rights.

Regent Dreyfus stated that, on matters of First Amendment rights, he took media opinion very seriously. He did not accept the view that it is not possible to strengthen the hands of administrators to deal with harassment, while at the same time adhering to the tradition of unfettered expression and inquiry.

Put to a roll-call vote, the resolution was defeated, with Regents Budzinski, Dreyfus, Gelatt, Grebe, Gundersen, Lyon, and Schilling voting "Aye" (7), and Regents Barry, Davis, Flores, Hempel, Hirsch, Krutsch, Lubar, Nicholas, and Steil voting "No" (9).

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REPORT OF THE EXECUTIVE COMMITTEE

Regent Steil reported that the Executive Committee met on August 4, 1992, by telephone conference, and adopted Minnesota reciprocity tuition schedules for 1992-93.

The minutes of the meeting and tuition schedule are attached as EXHIBIT B.

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REPORT OF THE BUSINESS AND FINANCE COMMITTEE

Regent Gelatt, Chair of the Committee, presented the report.

Consent Agenda Items

Regent Gelatt presented Resolutions 6194-6197, which were unanimously approved by the Business and Finance Committee, and moved their adoption by the Board of Regents as consent agenda items. The motion was seconded by Regent Hirsch.

It was noted by Regent Gelatt that Resolution 6194 included a \$1 million contract from Motorola to the UW-Madison Center for X-Ray Lithography, which was not included in this month's listing and totals. Because of the size and timeliness of signing the award, approval was required at this time. The award will be included in the following month's totals. He also noted that an award from EBASCO Services is included in the September report.

Put to the vote, the following resolutions were adopted, with Regent Davis abstaining from the vote on Resolution 6194:

Approval of Gifts, Grants and Contracts

Resolution 6194: That, upon recommendation of the President of the University of Wisconsin System, the gifts, grants and contracts presented at this meeting (copy on file with the papers of this meeting) be accepted, approved, ratified and confirmed; and that, where signature authority has not been previously delegated, appropriate officers be authorized to sign agreements.

Acceptance of Eleanor S. Poss Bequest

Resolution 6195: That, upon the recommendation of the President of the University of Wisconsin System and the Chancellor of the University of Wisconsin-Madison, the bequest of the late Eleanor S. Poss, of Milwaukee, Wisconsin be accepted; and that the Trust Officer or Assistant Trust Officer be authorized to sign receipts and do all things necessary to effect the transfer for the benefit of the University of Wisconsin-Madison Law School.

(In disposing of the residue of the estate the Will provides:

FOURTH: I give, devise and bequeath all of the rest, residue and remainder of my estate, other than tangible personal property specifically bequeathed, real, personal and mixed, of every kind and nature and wheresoever situated, of which I may die seized or possessed, or to which I may be entitled at the time of my death, to the following named organizations, in the percentages shown:

University of Wisconsin Law School, Madison, Wisconsin,
Ten Percent (10).)

Approximately \$86,000.00 will be received from her
estate.

Report on Base Salary Adjustments to Recognize Competitive Factors

Resolution 6196: That, upon the recommendation of the President of the University of Wisconsin System, the Report of Base Salary Adjustments to Recognize Competitive Factors Required by Section 396.09(1)(j), Wisconsin Statutes, be accepted for transmittal to state Officials.

Authorization to Recruit: Vice Chancellor for Administration, UW-Madison

Resolution 6197: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, the Chancellor be authorized to recruit for a Vice Chancellor for Administration, University of Wisconsin-Madison.

The following three items were considered at a portion of the Business and Finance Committee meeting to which all Regents were invited.

Report of Governor's Commission on UW System Compensation

Milton Neshek, Chair of the Governor's Commission on UW system Compensation, presented the Commission's final report, which included nine major recommendations (EXHIBIT C). Regent members spoke in favor of the recommendations, with discussion focussing on the proposal for a unified budget and on the recommendations concerning the role of tuition increases.

Opposition to tuition increases was expressed by Julie Landrie of the United Council of UW Student Governments. Larry Lockwood, of the UW-Madison Academic Staff Executive Committee, spoke in favor of decoupling faculty and academic staff compensation from that of other state employees, but in opposition to the recommendation that agreement be reached on reclassification of some academic staff positions.

It was moved by Regent Gelatt and seconded by Regent Budzinski that Resolution 6198 be adopted by the Board of Regents.

Resolution 6198: Whereas, the UW Board of Regents considers the recommendations of the 1992 Report of the Governor's Commission on UW System Compensation to be a strong, balanced package that will strengthen the UW System and serve the interests of the State of Wisconsin; and

Whereas, the Board of Regents considers it important to implement these measures as expeditiously as possible; and

Whereas, the Board of Regents expresses its deep appreciation to the Members of the Commission and to the staff who assisted the Commission for their time, hard work, and dedication;

Therefore, be it resolved that the UW Board of Regents adopts the 1992 Report of the Governor's Commission on UW System Compensation, including all of its recommendations. The nine major recommendations of the Commission are attached (EXHIBIT C). For those recommendations requiring statutory changes, the Board requests that the UW System President incorporate the applicable statutory requests in the 1993-95 UW System biennial budget request. For those recommendations within the current authority of the Board of Regents, the Board requests that the UW System President provide an implementation plan for Board review beginning at the October 8-9, 1992, Board of Regents meetings.

Although he had voted against the resolution at the Committee meeting, Regent Flores commented that the report is meritorious, and the Commission did excellent work. His concern was with the recommendation that tuition play a greater role in supporting the needs of the UW System, which would mean a departure from the 65 percent GPR/35 percent tuition formula for sharing of instructional cost. Chairman Neshek had later assured him that it was not the Commission's intent to bind the Board to any formula change; rather, the intent was to give the Board a free hand in dealing with the issue of tuition. This explanation satisfied Regent Flores' concern, and he intended to vote for the resolution at this meeting.

Regent Schilling commended Chairman Neshek, Vice Chair Grebe, Regent Gelatt and all other members of the Commission for their outstanding report.

Put to the vote, Resolution 6198 was unanimously adopted.

Tuition Policy - First Reading

Regent Gelatt reported that President Lyall presented for first reading of a Tuition Review Paper that included a number of tuition-setting approaches and financial aid options.

At the October meeting, a panel of experts and interested parties will discuss issues such as tuition-funded financial aid. The Board of Regents will then be asked to take action on any changes to current policy to be implemented in the 1993-95 biennial budget. Action on the budget itself will be taken in November.

Regent discussion focused on technical aspects of the report, guiding principles, and questions on tuition policy. Regents concluded that options linking financial aid to tuition should be considered, although there was not unanimous support for such options. There was considerable support for reviewing the percentage of instructional cost paid by various classes of students and for consideration of having each non-resident class pay 100 percent of the cost of instruction. The Board asked that revenue summaries of the various alternatives be presented at the October meeting and made requests for other information to be brought to the October meeting.

In discussion at the Board meeting, Regent President Steil said it would be ill-advised to believe reports in the press that a 20 percent tuition increase is being contemplated. His discussions with Regents and with President Lyall indicated that double-digit inflation on rates of tuition would be totally unacceptable. The goal will be to hold tuition increases to less than ten percent.

Draft Proposal for UW Hospital Restructuring

Chancellor Shalala and Vice Chancellor Noren presented the draft proposal to establish a public authority to operate University of Wisconsin Hospital and Clinics. Regents questioned the efficiency and effectiveness of the proposed 22-member board. Regent Lubar requested that Regent President Steil appoint a Regent committee to consider the matter.

Regent President Steil announced at the Board meeting the appointment of a committee consisting of Regent Lubar (Chair), Regent Flores, and Regent Nicholas to study the restructuring proposal as a whole and report their recommendations to the Board before November 1, 1992.

Informational Report on Distribution of 1992-93 Salary Increases for Faculty and Academic Staff

Regent Gelatt reported that Assistant Vice President Sonnleitner presented to the Business and Finance Committee the annual UW System Informational Report on Distribution of 1992-93 Salary Increases for Faculty and Academic Staff. The report showed that 1 percent of the faculty and 5 percent of the academic staff received no pay plan or quality reinvestment program increase; that 44 percent of the faculty and 52 percent of the academic staff received pay plan and quality reinvestment program increases of between 4.01 percent and 6 percent; and that only 1,298 faculty and 749 staff received quality reinvestment program adjustments of more than \$1,000.

Annual Report of Sick Leave Usage

Associate Vice President Wright presented to the Committee the Annual Report on the Use of Sick Leave, required by the Secretary of the Department of Administration as a condition of granting a waiver of the statutory cap on the amount of sick leave that can be accumulated by faculty and academic staff for conversion to payments for health insurance after retirement. At this time all institutions, with the exception of UW-Madison, have received a waiver of the cap for faculty and academic staff. UW-Madison plans to request a waiver of the cap before the end of this calendar year.

Trust Fund Matters

Regent Gelatt reported that the Business and Finance Committee received from Assistant Trust Officer Konshak an overview of the UW System Trust Funds Earnings Distribution/Small Fraction Spending Plan. The report notes that unless the income increases, or market value declines, it is unlikely that the 5 percent distribution target for 1992-93 will be attained.

Report of the Vice President

Senior Vice President Bornstein provided the Committee with a brief update on Total Quality Management.

Investment Managers

Regent Gelatt moved adoption by the Board of Regents of the following resolution which had been approved in closed session of the Business and Finance Committee. The motion was seconded by Regent Nicholas.

Resolution 6199: That, upon the recommendation of the Trust Fund Evaluation Team, the Trust Officer or Assistant Trust Officer be authorized to contract services as investment counsel the firms of ANB Investment Management, Banc One Investment Advisors, First Wisconsin Asset Management, Lieber & Company, Marshall & Ilsley Investment Management Corporation, Standish, Ayer and Wood, and Templeton Investment Counsel for the period October 1, 1992 through September 30, 1997 (in accordance with RPA GG-7013).

As recommended by the Trust Fund Evaluation Team, funds would be allocated as follows:

A. Income Fund	
50% Marshall & Ilsley Investment Management Corp.	\$22.1 million
50% Banc One Investment Advisors	\$22.1 million
B. Principal Fund - Fixed Income	
100% Standish, Ayer & Wood	\$49.6 million
C. Principal Fund - Equities - International	
100% Templeton Investment Counsel	\$ 7.4 million
D. Principal Fund - Equities - Domestic	
40% ANB Investment Management	\$26.8 million
40% First Wisconsin Asset Management	\$26.8 million
20% Lieber & Company	\$13.5 million

* Dollar allocations approximate.

Vice President Nicholas noted that the Trust Fund Evaluation Team had spend many hours in the selection of these investment advisors, three of which are Wisconsin firms. Noting that the decisions are of great importance to the future of the endowment funds, he expressed appreciation on behalf of the Board to the members of the Team for their hard work and dedication.

The question was put on Resolution 6199, and it was adopted, with Regents Davis, Hempel, Hirsch, Schilling, and Steil abstaining from the vote due to possible conflict of interest.

Audit Subcommittee Meeting

Internal Audit Director Brunkow informed the Subcommittee that the hiring of entry level auditors, authorized by the Board of Regents in July, has been completed. The four auditors began work in August. Regent Lubar requested that, at the next Audit Subcommittee meeting, a status report be given on the Priority One audits.

REPORT OF THE PHYSICAL PLANNING AND DEVELOPMENT COMMITTEE

Regent Dreyfus, Chair of the Committee, presented the report.

Consent Agenda Items

Regent Dreyfus presented Resolutions 6200-6206, which had been unanimously approved by the Physical Planning and Development Committee, and moved their adoption by the Board of Regents as consent agenda items.

The motion was seconded by Regent Lyon and carried unanimously.

UW-Whitewater: Approval of 1992 Campus Development Plan

Resolution 6200: That, upon the recommendation of the UW-Whitewater Chancellor and the President of the University of Wisconsin System, the 1992 Campus Development Plan, reflecting updates to the 1979 Campus Development Plan and documenting physical facilities and campus boundaries, be approved.

UW-Madison: Approval of the Design Report and Authority to Construct a Genetics Building Basement Remodeling Project

Resolution 6201: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, the Design Report be approved and authority granted to construct a 1991-93 Genetics Building Basement Remodeling project for the DNA Sequencing Facility for Large-Scale Genome projects at a total cost of \$1,226,000 (\$600,000 Federal Grant funds and \$626,000 General Fund Supported Borrowing - WISTAR).

UW-Madison: Authority to Construct an Eagle Heights Renovation Project

Resolution 6202: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to construct a 1992-93 Eagle Heights Apartment Buildings 304, 306, 307, 308, 403, and 405 Remodeling project, for an estimated total project cost of \$1,930,000 using Housing Program Borrowing funds.

UW-Madison: Approval of the Design Report and Authority to Construct a Stovall Hall Laboratory Modification Project

Resolution 6203: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, the Design Report be approved and authority granted to construct a State Laboratory of Hygiene (Stovall Hall) Laboratory Modifications project at an estimated total project cost of \$369,300 General Fund Supported Borrowing (\$306,800 of Facilities Repair and Renovation funds and \$62,500 of Health, Safety and Environment Funds).

UW-Milwaukee: Authority to Enter into an Agreement with the Wisconsin Department of Transportation; Approval of the Design Report and Authority to Construct an Alternative Fuels Emission Test Laboratory

Resolution 6204: That, upon the recommendation of the UW-Milwaukee Chancellor and the President of the University of Wisconsin System, the following requests be approved:

- (1) Authority for the UW-Milwaukee Chancellor to execute a use agreement with the Wisconsin Department of Transportation (DOT) for use by the University of a DOT-owned facility located at 1150 North Alois Street in Milwaukee and
- (2) Approval of the Design Report and authority to construct an Alternative Fuels Emissions Test Laboratory Remodeling project at an estimated total project cost of \$2,228,000 of General Fund Supported Borrowing - WISTAR Funding.

UW-Milwaukee: Authority to Construct Roof Repair/Replacement of Lapham Hall

Resolution 6205: That, upon the recommendation of the UW-Milwaukee Chancellor and the President of the University of Wisconsin System, authority be granted to construct a two roof replacement project for the Engineering and Mathematical Science Building and for Lapham Hall, at a total estimated cost of \$379,500 from General Fund Supported Borrowing - Facilities Repair and Renovation funds.

UW-River Falls: Approval of the Design Report and Authority to Construct A Rural Development Institute Remodeling Project

Resolution 6206: That, upon the recommendation of the UW-River Falls Chancellor and the President of the University of Wisconsin System, authority be granted to construct the 1991-93 Rural Development Institute Remodeling project at a total estimated cost of \$548,000 from 1991-93 General Fund Supported Borrowing.

UW-Whitewater: Approval to Name Auditorium in Winther Hall

Presenting Resolution 6207, which had been unanimously approved by the Physical Planning and Development Committee, Regent Dreyfus called attention to the long service and outstanding contribution to UW-Whitewater by Clay and Helen Daggett.

Upon motion by Regent Dreyfus, seconded by Regent Schilling, the following resolution was adopted unanimously:

Resolution 6207: That, upon the recommendation of the UW-Whitewater Chancellor and the President of the University of Wisconsin System, approval be granted to name the existing auditorium in Winther Hall the "Clay and Helen Daggett Auditorium."

Options for Funding Facilities Construction

The Committee reviewed options for funding facilities construction in view of a growing tendency of the State Building Commission to require gift and user fee dollars to partially fund academic teaching facilities. The Regent policy states that academic buildings should be funded with GPR dollars.

Regent Dreyfus stated his intention for the Committee to develop a policy recommendation to be presented to the Board before going forward with the capital budget. He invited the thoughts and comments of other Regents on that subject.

Contracting Out for Physical Plant Services - S & E Task Force Follow-up

Summarizing this report, Regent Dreyfus noted that more than 50 services are contracted out rather than being done by university staff. Whether services are contracted out varies among institutions because of the nature of the communities in which they are located and availability of other service providers in the area. In many instances, performing the work in-house is more economical than contracting out. In others, it is economically advantageous to contract work out rather than doing it in-house.

The report draws the conclusion that one opportunity for improvement is to share more efficient approaches across the system. The report also recommends that each university select one service area for a total quality management exercise and then report back to the Board.

The consensus of the Committee is that there is high level of accountability in terms of stewardship of the taxpayers' money, and that the chancellors have done an excellent job in this area.

REPORT OF THE EDUCATION COMMITTEE

Regent Davis, Chair of the Committee, presented the report.

Consent Agenda Items

Presenting resolutions 6208-6213, which were unanimously approved by the Education Committee, Regent Davis moved their adoption by the Board of Regents as consent agenda items. The motion was seconded by Regent Dreyfus and carried unanimously.

**Authorization to Recruit Vice Chancellor and Dean of the Faculty,
UW-Superior**

Resolution 6208: That, upon recommendation of the Chancellor of the University of Wisconsin-Superior and the President of the University of Wisconsin System, the Chancellor be authorized to recruit for a Vice Chancellor and Dean of the Faculty, University of Wisconsin-Superior.

**Authorization to Recruit Professor, Marketing, School of Business,
UW-Madison**

Resolution 6209: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, the Chancellor be authorized to recruit for a Professor, Marketing, School of Business, University of Wisconsin-Madison, at a recommended salary range that exceeds the Executive Salary Group 6 maximum.

Named Professors, UW-Madison

Resolution 6210: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, William Cronon be appointed Frederick Jackson Turner Professor of American History, Department of History, University of Wisconsin-Madison, effective August 24, 1992.

Resolution 6211: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, Elizabeth Anne Craig, Professor, Department of Biomedical Chemistry, Medical School, be appointed Steenbock Professor in Microbiological Sciences, for the period July 1, 1992 through June 30, 2002.

Resolution 6212: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, W. Wallace Cleland be reappointed Steenbock Professor in Chemical Sciences, for the period July 1, 1992 through June 30, 2002.

Resolution 6213: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, Howard M. Temin be reappointed Steenbock Professor in Biological Sciences, for the period July 1, 1992 through June 30, 2002.

Report on Implementation of Strategic Planning in Business Administration

The Committee discussed the Report on Implementation of Strategic Planning in Business Administration. Vice President Portch informed the Committee that, in the recommendation for guideline #9, he has extended the deadline for UW-Parkside to seek accreditation of its programs from 1993-94 to 1994-95. It was agreed by consensus to amend Resolution 6214 by adding the following clause: "and directs the Senior Vice President for Academic Affairs to bring back to the committee additional options for guidelines #4 and #18." In reviewing the data on diversity efforts for minorities and women as students and faculty members in the business schools, there were some indications of continuing problems, and the Committee decided to look at options other than merely monitoring continued performance.

It was moved by Regent Davis and seconded by Regent Lyon that the following resolution be adopted by the Board of Regents:

Resolution 6214: That, upon recommendation of the President of the University of Wisconsin System, the Board of Regents directs UW System to implement the recommendations contained in the Summary Report of Strategic Planning in Business Administration and directs the Senior Vice President for Academic Affairs to bring back to the Committee additional options for guidelines #4 and #18.

Regent Lyon commented in support of the Committee's determination to look at additional options for items on #4 and #18. From data in the report, it appeared to him that some campuses may have ignored the direction that the Board of Regents provided.

Put to the vote, Resolution 6214 was adopted unanimously.

Report on Assessment of Verbal and Quantitative Skills and Implementation of Academic Quality Program

Regent Davis reported on Committee discussion of the Report on Assessment of Verbal and Quantitative Skills and Implementation of the Academic Quality Program. In addition to reviewing the statistical profile, the Committee commented on how a number of campus assessment programs are leading to positive changes in teaching and learning. In examining the feasibility study of using the ACT-CAAP test, Committee members commented on

the difficulty of assuring a true sample when students self-select to participate, and they encouraged exploring ways of improving participation. It was also noted that, while it makes sense to establish goals unique to the UW campuses and System, it is also important to devise ways to form comparisons with national norms. The Committee emphasized that the Board will continue to stress accountability to the public. It was agreed by consensus to amend Resolution 6215 by adding paragraph 6. The amended resolution was then unanimously approved by the Committee.

It was moved by Regent Davis and seconded by Regent Krutsch that the following resolution be adopted by the Board of Regents:

That the Board of Regents directs that:

1. UW System institutions continue to implement the Academic Quality Program (AQP), with special emphasis on meeting the North Central Association's accreditation guidelines for assessment;
2. UW System Administration continue to implement AQP systemwide with a focus on quantitative measurements, including annual publication of the Statistical Profile and regular surveys of students and/or alumni, business and/or industry, the general Wisconsin public, and UW faculty members;
3. UW System institutions provide increased institutional accountability for assessment of academic programs and student outcomes through each chancellor's annual report;
4. UW System Administration provide increased systemwide accountability for statewide assessment through the President's annual report;
5. Each UW System institution continue the assessment of students' verbal and quantitative skills, refine the techniques and report annually on the use of assessment results in the improvement of teaching and learning.
6. UW System shall administer the ACT-CAAP Writing Skills and Mathematics Tests to a systemwide sample of sophomores in the 1997-98 academic year, and that System Administration shall report the results, along with national norms, to the Board in Fall 1998.

In discussion at the Board meeting, Regent Gelatt inquired as to the reason for waiting another five years to do the next tests.

Regent Davis explained that testing was being modified to allow value-added analysis, but these modifications are not yet complete. A timeframe of four to five years will allow one correlation with each cohort that moves through the system.

Regent Hirsch noted that tests of this nature are part of the accountability measures called for by the Governor's Commission on UW System Compensation. He was concerned that a date so far in the future might not accord well with the request for greater flexibility and autonomy.

In response to a request by Regent Krutsch, Vice President Portch indicated that the value-added component might be ready for use before 1997-98, although the exact time is not yet known.

It was moved by Regent Krutsch and seconded by Regent Hirsch, that item #6 of the resolution be amended to provide for administering the tests to a systemwide sample of sophomores at the earliest date possible for value-added testing. This language was accepted as a friendly amendment and incorporated into the motion.

It was agreed that such testing is not intended to be an annual activity, but rather is to be periodic and based on student cohorts.

Put to the vote, the resolution as amended was adopted unanimously.

Resolution 6215: That the Board of Regents directs that:

1. UW System institutions continue to implement the Academic Quality Program (AQP), with special emphasis on meeting the North Central Association's accreditation guidelines for assessment;
2. UW System Administration continue to implement AQP systemwide with a focus on quantitative measurements, including annual publication of the Statistical Profile and regular surveys of students and/or alumni, business and/or industry, the general Wisconsin public, and UW faculty members;
3. UW System institutions provide increased institutional accountability for assessment of academic programs and student outcomes through each chancellor's annual report;
4. UW System Administration provide increased systemwide accountability for statewide assessment through the President's annual report;

5. Each UW System institution continue the assessment of students' verbal and quantitative skills, refine the techniques and report annually on the use of assessment results in the improvement of teaching and learning.
6. UW System shall administer the ACT-CAAP Writing Skills and Mathematics Tests to a systemwide sample of sophomores at the earliest possible date that value added testing is available, and that System Administration shall report the results, along with national norms, to the Board. These tests will be administered periodically to cohorts of students.

Education Committee Work Plan

Reporting on the Education Committee Work Plan for 1992-93, Regent Davis said a portion of each meeting will be devoted to examining the multiple-policy items that will constitute planning Enrollment Management III. A proposed outline of discussion topics was presented to the Committee.

REGENT COMMITTEE ON RELATIONSHIP WITH UNIVERSITY BOOKSTORE

Status Report

Presenting a status report on the Committee's deliberations, Regent Barry, Chair of the Committee, noted that the University Book Store is a private, for-profit entity which pays federal, state and local taxes. Originally formed in 1894 as a cooperative, it was reorganized in 1914 under a Massachusetts Trust indenture, with the mission of operating in the interests of the student body and furnishing goods at the least possible cost.

The sense of the Committee at this time is to withdraw, to the maximum extent possible, from any perception of university authority over the University Book Store. This may include a change in composition of the Board of Trustees and composition of appointing authorities. It probably will include a disclaimer on book store literature to the effect that the store is not a part of the university. It may be deemed advisable to continue some limited oversight through review of financial statements.

The Committee had received comments on the matter from the UW-Madison Chancellor, the University Committee, the Wisconsin Alumni Association, and the University Book Store management. The Committee was awaiting comments from the Wisconsin Student Association before deciding upon a recommendation to the Board of Regents.

In response to a question by Regent Davis, Regent Barry indicated that the book value of the business is between \$5 and \$6 million. Profits go back into improvements, inventory, or patronage refunds, which currently are seven percent. Annual financial statements are provided to System Administration. It might be advisable, he felt, to continue this "light hand" of review since the business is not accountable to an owner or to shareholders as are other private sector entities.

Regent Dreyfus commented that there is some sentiment on the Committee simply to withdraw from all involvement with the book store.

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UNFINISHED OR ADDITIONAL BUSINESS

Change in date of June 1993 Board of Regents Meetings

Upon motion by Regent Davis, seconded by Regent Dreyfus, the following resolution was adopted unanimously:

Resolution 6216: That the meetings of the Board of Regents scheduled for June 10 and 11, 1993 at UW-Milwaukee be changed to June 3 and 4, 1993.

Regent Dreyfus inquired about whether the Board might meet in the month of August, rather than the month of July. President Lyall indicated that she would provide the Board with an analysis which takes into account the budget cycle and any other relevant factors.

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Proposed Creation of Administrative Rules, Chapter UWS 22

President Steil reported that a public hearing was held on September 10, 1992, on creation of rules under UWS 22, *Wis. Admin. Code*. Two persons presented oral testimony at the hearing and two presented written testimony.

Upon motion by Regent Davis, seconded by Regent Hempel, the following resolution was adopted unanimously by the Board of Regents:

Resolution 6217: That the Secretary of the Board of Regents, pursuant to s. 227.19, *Wis. Stats.*, notify the presiding officer of each house of the Legislature that the creation of rules in Chapter UWS 22, *Wisconsin Administrative Code*, is proposed, and that the proposed rules are in final draft form, and cause a statement to appear in the *Wisconsin Administrative Register* that said proposed rules have been submitted to the presiding officer of each house of the Legislature.

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At 12:15 p.m., the following resolution, moved by Regent Nicholas and seconded by Regent Budzinski, was adopted unanimously on a roll-call vote, with Regents Barry, Budzinski, Davis, Dreyfus, Gelatt, Grebe, Hempel, Hirsch, Krutsch, Lubar, Lyon, Nicholas, and Steil (13) voting in the affirmative. There were no abstentions and no dissenting votes.

Resolution 6218: That the Board of Regents recess into closed session to consider dismissal of a tenured faculty member, as permitted by s. 19.85(1)(a) and s. 19.85(1)(b), *Wis. Stats.*; to consider personal histories, including possible action on Board of Visitor appointments at UW-Milwaukee and UW-Superior, and honorary degrees, UW-Madison, as permitted by s.19.85(1)(f), *Wis. Stats.*; confer with legal counsel, as permitted by s. 19.85(1)(g), *Wis. Stats.*; and to consider personnel matters including extension of leave of absence, UW-Madison, as permitted by s.19.85(1)(c), *Wis. Stats.*

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CLOSED SESSION ACTIONS

The Board arose from closed session at 12:50 p.m., having adopted the following resolutions:

Extension of Leave of Absence: UW-Madison

Resolution 6219: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, the leave of absence for Assistant Professor (CHS) Jim A. Gosewehr, Department of Obstetrics and Gynecology, Medical School, be extended through the 1994-95 academic year.

Appointments to the Board of Visitors: UW-Superior

Resolution 6220: That, upon the recommendation of the President of the University of Wisconsin System and the Chancellor of UW-Superior, Mr. Mark D. Biller be appointed to the UW-Superior Board of Visitors for a three-year term ending September 1995;

and that the following persons be reappointed to the UW-Superior Board of Visitors for three-year terms ending September 1995:

Dr. Jasjit Minhas
Mrs. Sandra A. Wright

Appointments to the Board of Visitors: UW-Milwaukee

Resolution 6221: That, upon the recommendation of the President of the University of Wisconsin System and the Chancellor of UW-Milwaukee, the following persons be appointed to the UW-Milwaukee Board of Visitors for a three-year term ending June 1995:

Claudetta Wright
Maria Franco
Oscar Cervera
James Warren

And that the following persons be reappointed to the UW-Milwaukee Board of Visitors for three-year terms ending June 1995:

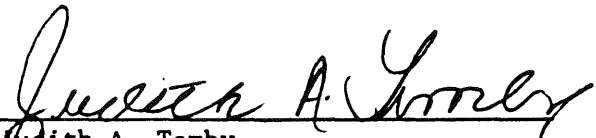
Raleigh Woolf
James Westphal

Consideration of Dismissal of a Tenured Faculty Member: UW-Parkside

Resolution 6222: That, upon the recommendation of the Personnel Matters Review Committee, the Board of Regents adopts the Decision and Order on the Recommendation for Dismissal for Just Cause of Professor Dennis Dean from the University of Wisconsin-Parkside.

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The meeting was adjourned at 12:50 p.m.



Judith A. Temby
Secretary

September 30, 1992

Opening Remarks to Board of Regents

President Katharine C. Lyall

September 11, 1992

Welcome to the start of a new academic year!

Last year at this time I reported to you that the UW System was in reasonably good shape. I noted that if we were a Fortune 500 company, our shareholders would have reason to be very pleased with their investment in public higher education. This is even more true today:

- o our institutions are filled this fall with the ablest and best prepared freshman class ever;
- o our students are learning well and score substantially above the national norms in English and Mathematics on the ACT-CAAP test;
- o alumni giving and corporate support is up at all our institutions and total gifts, grants, and contracts are at an all-time high, having risen 11% this past year;
- o an energetic and distinguished faculty and academic staff are eager to work with students sharing their own enthusiasm for learning with a new generation;
- o Extension outreach programs serve more than 10,000 Wisconsinites every year;

. . . and this year, if we were a Fortune 500 service company we would have moved up from #208 last year to #195 this year, coming just ahead of Microsoft, Viacom, and 20th Century Fox and just below Borg-Warner, Roundy's, and Hertz, and just behind Oscar Mayer (\$2.5 billion). Our stock would still be a blue chip, with every dollar invested by the state earning more than two additional dollars from non-tax sources.

Moreover, the way we do business is changing, to the benefit of our students --

- o more students at Madison are being taught in small classes, seminars, tutorials, and through hands-on lab and field experiences and fewer in large lectures;
- o \$50 million has been invested in renovated classrooms and updated lab equipment over the past eight years, a task that must continue;
- o more than 70 cooperative programs that share the educational resources of several UW institutions have been established to serve the needs of the state efficiently without program duplication;
- o 50 articulation agreements have been struck between UW and VTAE districts since 1990 to assure VTAE students the opportunity to

EXHIBIT A

continue their education in the UW System efficiently and without loss of credits with the result that transfers from VTAE were at an all-time high this past year;

- o our statewide computerized transfer information system now links 17 UW institutions to the VTAE to facilitate sound planning of students' educational programs;
- o all UW institutions now have automated registration systems that eliminate the former nightmare of registration lines and a scramble for class schedules. And, this year, further development of these systems will enable more institutions to allocate resources better by tracking and predicting course demand more accurately.

Other fundamental changes in the way we do business include a continuing emphasis on self-help and managing our future through strategic planning, enrollment management, and the reallocation of our base resources to our highest priorities. We are regularly changing and upgrading our programs and services to better meet the needs of our students and the state.

The coming academic year will certainly be a year of further change -- not incremental adjustment but a reexamination of the basic way we do business in many other areas.

- o Yesterday you began an examination of our fundamental tuition philosophy and you considered an important proposal to restructure the UW Hospital to facilitate improved management of health services in the '90s.
- o Next month, the Education Committee will begin a year-long study to develop a plan for enrollment management beyond 1995 when demographic demand will rise sharply. The results of this work will determine who we serve for the balance of the decade.
- o And, the recommendations of the Compensation Commission, presented yesterday, challenge the University, the Governor, and the Legislature to revitalize the social compact we have had in Wisconsin for over 100 years to assure top quality, vital educational opportunities to Wisconsin citizens.

Interestingly, I have heard for years how resistant the University is to change, how reluctant we are to entertain new ideas, how entrenched are our self-interests. If this has been true in the past, it is no longer so. We understand well the need for creative change if we are to sustain the excellence of our institutions and educational opportunity for Wisconsin citizens. As we look at higher education across the country today we see a disaster in progress, one that will devastate our future economically every bit as much as Hurricane Andrew has physically devastated Florida or the LA riots have destroyed that inner city.

In California, once the land of open opportunity, higher education budgets have been cut by one-third, tuition is increasing by 40%, and the existence of whole universities hangs in the balance. Closer to home, in the Midwest, state support for the great public land-grant and state universities is being slashed (by 6.7% in Minnesota; 2% in Illinois; 1.5% at Ohio State), tuition is rising rapidly, and a generation of junior faculty are left to wonder whether their skills can find employment while a generation of eager students wonder whether the dream of a college education is disappearing before their eyes.

In Wisconsin, we have avoided this disaster by a combination of prudent state economic management and farsighted management and planning by the University and this Board of Regents. Five years ago, we determined to put quality first, to squeeze everything possible from our existing resources, and to manage enrollments to assure the quality education our students deserve. We have not shrunk from making fundamental changes in enrollment and admissions requirements, reallocating our budgets through QRP, advancing the professional growth of our faculty through post-tenure review, modernizing our curriculum to capture new knowledge, revitalizing our undergraduate programs, and through many other -- sometimes unpopular -- but necessary steps.

More change is coming and we must be willing to keep our eyes on the prize -- to focus on the ends and be willing to try different means to get there. This is not a time for power games and turf protection but for asking what our children and grandchildren will say if we fail our larger purpose to assure quality education.

I invite all those -- inside and outside the University -- who care about the future of Wisconsin, to join us in sustaining this 100-year social compact, to assure that the Wisconsin Idea lives and thrives for another 100 years.

Much has recently been written about "accountability." In my view, the question for the UW System is not whether to be accountable -- we are accountable to students, parents, state and federal governments, our faculty and staff, business and industry, the citizens of the state, our accreditation bodies, and many others. Rather, the challenge is to determine how to balance the demands of all these stakeholders equitably in an environment of shrinking resources where we cannot be all things to all people. It is easy in such circumstances to slice up the university into special interest segments and to criticize the failure to fully meet the needs of each. But this way lies the decline and demise of a great university system. As Don Langenberg, President of the University of Maryland System, has put it: shooting holes in the university this way is not accountability, it is a torpedoing of the social compact, until, like a great oceanliner, the university rolls slowly over and sinks.

Perhaps the most important and lasting recommendation of the Compensation Commission is the challenge it issues for us to revitalize the social compact for higher education in Wisconsin by agreeing on a set of broad accountability measures for the UW System and by moving to measure our accountability and success in terms of what counts -- outcomes achieved for Wisconsin.

Over the past decade, "accountability" has come to mean detailed monitoring, counting, and reporting on a host of specific parts of the university's operations. Audits find fault with particular parts of our operations and we respond by further increasing administrative overhead to count more accurately, control more details, and report more often. In the '90s, we no longer have the luxury of this outmoded concept of accountability as control, we must shift to accountability for performance. Our stakeholders care about our results and they are entitled to know how we're doing.

I, therefore, urge the Governor and the legislative leadership to sit with us to develop a set of accountability indicators that measure the health and success of our partnership for higher education. What should each partner -- the university, the state, the business community, the alumni, the students -- bring to this enterprise? And, how well are we working together to serve our students and other clients? These are the questions that will be asked about our stewardship in the future and they are the stuff of real "accountability" for the future of Wisconsin.

Finally, I want to express my deep appreciation for the leadership, wisdom, and good advice of our Chancellors. Each of them knows and cares for their university and works hard to advance its mission and its future. I know of no more dedicated champions of higher education anywhere. It is largely due to their dedication, professionalism, good humor and leadership in working with their faculty and staff that we are able to meet the challenges of change with confidence. I look forward to working with all of you as we start another good year!

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

EXECUTIVE COMMITTEE

Minutes of the Meeting

August 4, 1992

9:30 a.m.

Held by telephone conference

Executive Committee members participating: Regent President Steil (Chair),
Regent Vice President Nicholas, Regent Davis, Regent Dreyfus,
Regent Gelatt, Regent Lubar, and Regent Lyon

Executive Committee members absent: None

Regent President Steil presiding


The purpose of the meeting was to set 1992-93 tuition rates for Minnesota reciprocity students. Authority to act on this matter was delegated to the Executive Committee by the Board of Regents at the July 1992 meeting. At the time of that meeting, Minnesota tuition rates had not been established.

President Lyall presented the following resolution to approve 1992-93 Minnesota reciprocity tuition rates, as set forth in Tables 1 and 2 (attached).

Resolution 6191: That, upon the recommendation of the President of the University of Wisconsin System, the 1992-93 Minnesota reciprocity tuition rates be approved.

Upon motion by Regent Dreyfus, seconded by Regent Lubar, Resolution 6191 was adopted unanimously on a roll-call vote, with Regent Steil, Regent Nicholas, Regent Davis, Regent Dreyfus, Regent Gelatt, Regent Lubar, and Regent Lyon voting in the affirmative.

The meeting was adjourned at 9:45 a.m., upon motion by Regent Nicholas, seconded by Regent Dreyfus.


Judith A. Temby, Secretary

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9/11/92

EXHIBIT B

TABLE 1
 UNIVERSITY OF WISCONSIN SYSTEM
 1992-93 ACADEMIC TUITION SCHEDULE
TUITION TO BE PAID BY CERTIFIED MINNESOTA RESIDENTS
FOR FULL ACADEMIC YEAR
 (Excludes Segregated Fees)

	<u>1991-92</u>	<u>1992-93</u>	<u>INCREASE</u>	<u>PERCENTAGE INCREASE</u>
<u>DOCTORAL UNIVERSITIES</u>				
<u>Undergraduate</u>	\$2,814	\$2,982	\$168	6.0%
<u>Graduate and Professional</u>				
Graduate	3,252	3,382	130	4.0
Law School	5,120	6,032	912	17.8
<u>COMPREHENSIVE UNIVERSITIES</u>				
<u>Undergraduate</u>	1,882	2,032	150	8.0
<u>Graduate</u>	2,060	2,264	204	9.9
<u>UW-CENTERS</u>				
<u>Undergraduate</u>	1,596	1,692	96	6.0

NOTE: Part-time students pay tuition on a per credit basis.

TABLE 2

UNIVERSITY OF WISCONSIN SYSTEM
 1993 SUMMER SESSION ACADEMIC TUITION SCHEDULE*
TUITION TO BE PAID BY CERTIFIED MINNESOTA RESIDENTS
 (Excludes Segregated Fees**)

	<u>1992</u>	<u>1993</u>
<u>DOCTORAL UNIVERSITIES</u>		
Undergraduate	\$ 702	\$ 744
Graduate	812	844
Law	1,278	1,506
 <u>COMPREHENSIVE UNIVERSITIES</u>		
Undergraduate	468	510
Graduate	570	630
 <u>UW-CENTERS</u>		
Undergraduate	402	426

* The rates shown represent the tuition paid by a "full time" summer session student. Full-time is defined as one-half the full-time semester load for the academic year. The per credit rate for summer session is equivalent to the semester per credit rate for the previous academic year except for rounding to the nearest dollar.

** Segregated fee charges for summer session are established using one-half of the semester rate for the previous academic year as the guideline. The charge per credit and maximum fee are set by the individual campus with review by the Vice President for Business and Finance.

Recommendations of the 1992 Report of the Governor's Commission on UW System Compensation

- 1. Annual pay increases for UW System faculty and academic staff should be determined in a separate process from the pay increases for other state government employees--that is, UW System faculty and academic staff salaries should be "decoupled" from the state pay plan of other state government employees. As a condition for decoupling, the UW System president and the Department of Employment Relations secretary should establish a mechanism for reviewing Category A (noninstructional) academic staff positions and reclassifying positions from Category A academic staff to the classified service where appropriate, in a way that does not adversely affect current employees.**
- 2. The UW System Board of Regents should be delegated greater authority and greater accountability for management of its operations, including setting faculty and academic staff compensation levels and procedures. The UW System operating budget request and appropriation process should be amended to "unify" at least parts of the UW System operating budget.**
- 3. The UW System should be required to adopt appropriate accountability measures. The UW, at the system and/or institution level, should be held accountable in the following seven general areas: effectiveness, efficiency, quality, access, diversity, stewardship of assets and contribution to compelling state needs. The governor should appoint a task force composed primarily of representatives from the legislative and executive branches, faculty and academic staff, the UW System, and the UW System Board of Regents. Other public members may be included. The purpose of the task force is to identify the specific indicators to be utilized to measure performance in these general areas.**
- 4. The tuition-setting process should be altered to give more flexibility to the UW System Board of Regents in setting tuition rates, while retaining a legislative role in the tuition-setting process.**
- 5. Market analyses should be the principal determinants in setting the target compensation levels for faculty and academic staff at the UW doctoral, comprehensive and center institutions and elsewhere in the UW System.**
- 6. Annual compensation needs for UW System faculty and academic staff must be met through a combination of state tax revenue (GPR), tuition and reallocation of base budget funds for those employees not funded by gifts, grants or other program revenue. Reallocation of base budget funds should be achieved through productivity gains such as the reduction of administrative cost and elimination of low-priority services and programs.**

- 7. State tax revenue (General Purpose Revenue-GPR) support for the UW System should not be reduced below the previous year's level.**
- 8. Give the constraints, at least in the short run, on dramatically increasing GPR funding for the UW System, tuition revenue will need to play a bigger role in supporting the overall needs of the UW System. Dramatic annual increases in tuition rates should be avoided. Tuition rate increases should be accompanied by a proportionate increase in student grant assistance. Tuition increases should not be offset by decreases in state tax revenue (GPR) to the UW System.**
- 9. The UW System Board of Regents should establish a more systematic evaluation procedure for all UW System faculty and academic staff members. Salary adjustments should be awarded primarily, if not exclusively, on the basis of merit.**