

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, February 5, 1993  
9:00 a.m.

- President Steil presiding -

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

ABSENT: Regents Grover, Hempel and Lyon

Approval of Minutes

Upon motion by Regent Dreyfus, seconded by Regent Schilling, the minutes of the December 11, 1992, meeting of the Board of Regents were unanimously approved as distributed.

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REPORT OF THE PRESIDENT OF THE BOARD

Resolution of Commendation: Donna E. Shalala

Regent President Steil presented Resolution 6311, which was unanimously adopted by the Board with a standing ovation, upon motion by Regent Dreyfus, seconded by Regent Gundersen.

Resolution 6311: Whereas, Donna Shalala has served with distinction as chancellor of the University of Wisconsin-Madison for 5 years; and

Whereas, Chancellor Shalala has contributed substantially to the educational environment for all students and the professional development of faculty and academic staff; and

Whereas, these efforts have included improving student access to classes, preserving quality in undergraduate and graduate programs, and making the university more "user friendly" to students and families; and

Whereas, her energy and commitment on behalf of the

UW Foundation helped raise an unprecedented \$338 million in private support, as well as initiate a \$225 million campaign to renovate and expand the campus' internationally recognized complex of research facilities; and

Whereas, Chancellor Shalala has nurtured important business-&-community partnerships, locally and internationally, with university researchers in the fields of biomedicine, engineering, agriculture and many others; and

Whereas, she initiated action to effectively address issues of diversity and equity, and modern management in academic settings; and

Whereas, recognizing the vital link between alumni support and pride in athletic teams, Chancellor Shalala both re-energized the UW-Madison athletic department and challenged Bucky Badger for the job of number-one cheerleader; and

Whereas, now, in departing UW-Madison to answer the call of public service at the highest level, Donna Shalala leaves Wisconsin having successfully advanced the mission and resolve of one of the nation's premiere public universities; and

Whereas, by her supreme dedication, boundless energy and thoughtful leadership, the "Wisconsin Idea" shall prosper in important new ways through this decade and beyond.

Therefore, be it resolved that the Board of Regents of the University of Wisconsin System highly commends Donna Shalala for her outstanding service as chancellor, extending sincere best wishes to her as she begins her tenure as Secretary of the United States Department of Health and Human Services.

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Report of the Council of Trustees, UW Hospital and Clinics

Regent Gundersen, Vice Chair, presented the Council's report.

At its meeting on February 4, 1993, the Council was advised by Superintendent Gordon Derzon that the hospital's year-to-date financial trends have been somewhat negative, with gross revenues under budget and deductions from revenue greater than budget, resulting in a total net patient revenue of \$2.2 million less than budget. Overall revenues, however, remain \$4 million in excess of expenses for the first half of the fiscal year.

Mr. Derzon expressed concern regarding fiscal projections for the remainder of the year and noted that hospital administration is developing innovative mechanisms to tightly control costs. He said the hospital will

face difficult decisions over the next six months and beyond, as administration develops the 1993-94 budget.

The Council then heard from Vice Chancellor Jay Noren, who informed the trustees that because of his appointment as Chancellor of the Minnesota Higher Education System effective March 15, 1993, UW Medical School Dean Laurence Marton has been named Interim Vice Chancellor beginning on that date. Additionally, a Center for Health Sciences Advisory Council has been appointed to coordinate center-wide issues. This Council comprises the deans of the School of Nursing, the School of Pharmacy, and the School of Medicine. It is chaired by Nursing School Dean Vivian Littlefield. Council of Trustees Vice Chair Gundersen presented Dr. Noren with a framed certificate in recognition of his contributions to the UW Hospital and Clinics during his eight-year tenure as Vice Chancellor.

Also attending the meeting was Dr. David Kindig of the UW Medical School's Programs in Health Management, who provided an outline of aspects of health care reform currently being considered at the federal level. Regent Gundersen pointed out that the word "reform" makes the individuals who provide health care appear to be at fault for the problems of the system. Instead, he thought it should be called health care "advancement, availability and cost containment."

The Council also heard a presentation from Dr. William Erschler, head of the geriatrics and gerontology section in the Department of Medicine, who reviewed the geriatrics programs at the UW Hospital and the Veterans Administration Hospital.

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#### Report of the Educational Communications Board

President Steil noted that Regent Davis had provided a written report of the January 22, 1993, meeting of the Educational Communications Board.

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#### Report of the Vice President of the State VTAE Board

A written report of the January 27, 1993, meeting of the Wisconsin Board of Vocational, Technical and Adult Education had been distributed by Regent Barry.

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#### Report on Legislative Matters

Acting Vice President Judith Ward provided a written report.

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#### Appointments to Special Regent Committee for UW-Green Bay Chancellor

Regent Steil noted that he had appointed Regent Hempel to Chair the Special Regent Committee for UW-Green Bay Chancellor, with Regents Dreyfus, Gelatt, Lubar and Lyon as members.

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## REPORT OF THE PRESIDENT OF THE SYSTEM

### Presentation: The University for Wisconsin

Noting that one of the primary goals for 1993 is to communicate more effectively about the positive impact of UW institutions upon the citizens and the communities of Wisconsin, President Lyall introduced as one part of this effort an audio-visual program entitled "The University for Wisconsin". The program, funded by gifts and personal participation of alumni and community supporters, was designed to be used in speaking to service clubs, alumni groups and other gatherings of university friends.

The video featured examples of the variety of ways in which the UW System serves all age groups in all parts of the state. Some of these examples could be surprising to viewers who think of the university solely in its site-based teaching role. The video concluded with a series of candid statements by ten Wisconsin citizens, each of whom makes a personal statement about what the UW System has meant in his or her life or community.

Use of this video tape, President Lyall remarked, accords with the advice given at the February 4 meeting by Senator Jauch and Representative Gruszynski that the UW should reach out and make people more aware of what the university does for them and the opportunities it provides for all of the citizens of the state.

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### Approval of Nonpersonnel Actions

President Lyall noted that there is one legal services contract in the report--at UW-Milwaukee, for instructional services to the School of Business.

Adoption of Resolution 6312 was moved by Regent Schilling, seconded by Regent Gelatt and unanimously carried by the Board.

Resolution 6312: That the report of nonpersonnel actions by administrative officers to the Board of Regents and informational 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.

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### Impact of Governor's Budget on the UW System

President Lyall stated that Governor Thompson's proposed budget for the UW System provides much good news, but also challenges the university to do more with less.

The budget provides \$9.5 million to allow a start on undergraduate

education initiatives for libraries, computers, and modern learning techniques. The Governor also is recommending that financial aid be funded to keep pace with tuition increases of about seven percent in the first year and six to six-and-one-half percent in the second year, excluding the supplemental tuition-funded initiatives at UW-Madison.

The balance of undergraduate initiatives is unfunded and there is a \$3.2 million permanent supplies and expenses base cut. Also not funded are agricultural and natural resources initiatives; urban schooling; parenting and health care initiatives; environmental compliance; and information technology.

The Governor's budget, President Lyall noted, included several key recommendations of the bipartisan Commission on UW System Compensation that will help the university get the most from its budget resources. These include consolidating a number of line-item appropriations for more efficient administration and the creation of faculty and academic staff compensation funds, including pay plan and fringe benefits and a one percent market adjustment, which would be de-coupled from other state pay plans and administered by the Regents as a single pool.

This would leave with the Legislature control over the total dollars to be spent but would provide the university more control over the allocation of those dollars within and among institutions to better meet the most urgent needs and to reward solid performers as well as stars.

The Commission, which included citizens and legislators, as well as Regents, faculty and staff, also challenged the UW to be more creative, innovative and accountable. The UW System accepts that challenge, President Lyall stated, and will work with the Governor and the Legislature to continue efforts at accountability and effective management of existing resources.

In response to a question by Regent Gundersen, President Lyall indicated that the Board's biennial budget request for hazardous waste disposal is not included in the budget submitted by the Governor to the Legislature.

Regent Gundersen suggested that legislative attention be called to this request in the interest of proper stewardship of the university. President Lyall indicated that this will be done as part of the UW's work with the Legislature on budget issues.

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#### Report on Institutional Development and Fund Raising

Reporting that the chancellors had recently participated in a professional seminar on institutional development and fund raising, President Lyall noted a heightened awareness that private gifts provide the margin of excellence the UW needs to maintain innovative programs. She and the chancellors planned to spend larger shares of their time in this pursuit in the coming year.

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Announcements

Distinguished Alumnus Award to Regent Davis

President Lyall congratulated Regent Davis on having been chosen as the 1993 Distinguished Alumnus of the University of Chicago School of Business.

Regent Emeritus John Schenian

It was reported by President Lyall that John Schenian, who had served as the first student Regent, has returned to Wisconsin and is employed as patent attorney with Kimberly Clark.

Textbook Authored by Chancellor Thibodeau

President Lyall congratulated Chancellor Thibodeau, of UW-River Falls, for authoring a best-selling textbook in anatomy and physiology.

Best Wishes to Vice Chancellor Noren

President Lyall extended best wishes to Jay Noren, UW-Madison Vice Chancellor for Health Sciences, who had been appointed Chancellor of the Minnesota Higher Education System effective March 15, 1993.

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REPORT OF THE EXECUTIVE COMMITTEE MEETINGS OF JANUARY 6 AND 21, 1993

The minutes of the Executive Committee meeting of January 6 and 21, 1993, are attached to these minutes as EXHIBIT A.

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REPORT OF THE BUSINESS AND FINANCE COMMITTEE

The Committee's report was presented by Regent Gelatt, Chair.

Presenting Resolutions 6313 to 6316, which had been approved by the Business and Finance Committee, Regent Gelatt moved their adoption by the Board of Regents as consent agenda items. The motion was seconded by Regent Gundersen and carried, with Regents Davis and Hirsch abstaining from the vote.

Approval of Gifts, Grants and Contracts

Resolution 6313: That, upon recommendation of the President of the University of Wisconsin System, the gifts, grants and contracts presented at 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.

#### Authorization to Sign Documents

Resolution 6314: That, on the recommendation of the President of the University of Wisconsin System Regent Resolution #6042 approved by the Board on March 6, 1992 be rescinded; and that the following revised resolution be approved effective immediately:

That any of the following corporate or administrative officers of the University of Wisconsin System -- Secretary, Associate Secretary, Assistant Secretary of the Board, the President, any Vice President, and any administrative officer or administrative assistant designated by the President of the University of Wisconsin System -- is authorized to sign:

1. Proposals, agreements, contracts and contract supplements for research work or any other purposes upon approval of the project by the President or any Vice President of the University of Wisconsin System or the appropriate chancellor or designee with the following extramural entities:

United States Government, any of its agencies or departments, any state or municipality or any agency or department thereof, or any non-profit organization.

2. Certifications, releases, inventory reports, and other documents as required by the government in connection with the termination of the contracts with the federal government for research and educational services furnished by the University of Wisconsin System.
3. Applications, notices, bonds, and other instruments required by the federal government in connection with matters relating to federal laws and regulations for the purchase and use of tax-free alcohol in the laboratories of the University of Wisconsin System.
4. Purchase orders and other instruments required by the federal government for the procurement of narcotics for use in the laboratories of the University of Wisconsin and in University Hospitals.
5. Grants, contracts, leases, and agreement with private-profit making organizations, with the understanding that those in excess of \$200,000 require formal acceptance by the Regents prior to execution.

6. Royalty agreements with the University of Wisconsin Press.

7. Transactions of the University of Wisconsin System's employee savings bonds accounts.

Grants, contracts, leases and agreements, including royalty agreements with the University of Wisconsin Press, will be reported monthly to the Vice President for Business and Finance and the Vice President for Physical Planning and Development.

#### Harry Steenbock Fund

Resolution 6315: That, as recommended by the Chancellor of UW-Madison and the President of the UW System, the gift of Harry Steenbock of a Special Account held by the Wisconsin Alumni Research Foundation be accepted by the Board of Regents of the University of Wisconsin System in accordance with the terms and conditions specified; and that the Chancellor of UW-Madison and the Assistant Trust Officer be authorized to sign the Receipt and Agreement to Administer and any other documents necessary to effect the transfer for the benefit of the UW-Madison.

Harry Steenbock Fund terms provide as follows:

- a. Two-thirds of the income derived from the Harry Steenbock Fund shall be distributed annually to support research at the University in the fields of natural sciences;
- b. One-third of the income derived from the Harry Steenbock Fund in each year shall be accumulated and added to the principal balance of the Harry Steenbock Fund;
- c. No part of the Harry Steenbock Fund or the distributed income thereof shall be used for the purchase of equipment or shall be invested in building projects.

(Harry Steenbock created this fund with patent license royalty income in 1938 providing that WARF hold the account until after the death of his wife. Evelyn Steenbock died on October 19, 1992. University Trust Funds received \$4,893,263.58 on December 30, 1992 to fund this trust account. The Chancellor has designated the Dean of the Graduate School as the administrator of the research support distributions.)

UW System Custodial Services



Resolution 6316: That, upon the recommendation of the President of the University of Wisconsin System, delegation of the custody and clearance function to the State of Wisconsin Investment Board (10-23-75) be rescinded effective May 1, 1993 at the request of the State of Wisconsin Investment Board. That, the Trust Officer be authorized to; 1) open interim accounts at Morgan Guaranty Trust Company (under a master contract of the State of Wisconsin Investment Board) and at Firststar Bank-Milwaukee (the state working bank); and 2) initiate an Investment Custodial Request for Proposals to identify a permanent replacement to the State of Wisconsin Investment Board.

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#### Continuous Quality Improvement Initiatives and Accomplishments

Continuous Quality Improvement Consultant Rohan provided the Business and Finance Committee with an update on continuous quality improvement initiatives and accomplishments to date. Ms. Rohan summarized CQI efforts such as strategic quality planning, the formation of an advisory council, and an upcoming visit to the IBM-Rochester site. Campus initiatives are being taken to improve process management.

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#### Semi-Annual Financial Report

Vice President Marnocha presented financial statements to the Committee, including transactions processed through December 1992.

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#### Travel Analysis

Pursuant to a request by the Business and Finance Committee in December 1992, Vice President Marnocha provided additional information on travel expenditures in the UW System. The following information was highlighted: UW System total travel expenditures are slightly less than the average of other Big Ten institutions. The GPO portion of the travel expenditures decreased from 1989-90 to 1991-92.

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#### Report of the Vice President

##### Study on Research in UW-Madison College of Agricultural and Life Sciences

UW-Madison Graduate Dean John Wiley addressed the Business and Finance Committee on the Rural Development Center's study of privately-sponsored research in the College of Agricultural and Life Sciences. He

pointed out that the existing requirement that for-profit research pay the normal indirect cost rate will be strictly applied in the future.

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#### Internal Audit Report

##### Implementation of UW-Milwaukee Affirmative Action Audit Recommendations

Internal Audit Director Brunkow presented the Second Quarter Internal Audit Report to the Audit Subcommittee. Chancellor Schroeder reported that UW-Milwaukee has made significant progress in response to recommendations contained in the March 1992 Legislative Audit Bureau audit which evaluated the enforcement of affirmative action policies at UW-Milwaukee. The number of complaints handled has increased and the processing time has been significantly decreased.

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#### REPORT OF THE EDUCATION COMMITTEE

The Committee's report was presented by Regent Davis, Chair.

##### Consent Agenda Items

Presenting Resolutions 6317 to 6321, which had been approved unanimously by the Education Committee, Regent Davis moved their adoption by the Board of Regents as consent agenda items. The motion was seconded by Regent Schilling.

It was noted by Regent Davis that in Committee discussion of Resolution 6317, it was agreed, after hearing testimony by Julie Laundrie of United Council, that System Administration would work with the institutions to ensure that complaint procedures are adequately spelled out.

Put to the vote, Resolutions 6317-6321 were adopted unanimously.

Implementation of s. 36.11(22), Wis. Stats.

Resolution 6317: Pursuant to 1989 Wisconsin Act 177, s. 36.11(22), Wisconsin Statutes, the board hereby accepts the report on implementation of the Act (the report on orientation programs and information provided to students on sexual assault and sexual harassment) and directs that the report be submitted to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172(3).

Revisions to Faculty Policies and Procedures, UW-Milwaukee

Resolution 6318: That, upon recommendation of the Chancellor of the University of Wisconsin-Milwaukee and the President of the University of Wisconsin System, UW-Milwaukee

Faculty Document No. 1809 (the addition of sections 5.181 through 5.186 and amendments to sections 5.10, 5.15, 5.16, 5.161, 5.17, 5.18, Chapter 5, and A2.3(3), supplement to Chapter 6, UW-Milwaukee's Faculty Personnel Policies and Procedures), be approved.

Authorization to Recruit Chancellor, UW-Green Bay

Resolution 6319: That, upon recommendation of the President of the University of Wisconsin System, the Board of Regents approves the Request for Authorization to Recruit for a Chancellor of the University of Wisconsin-Green Bay.

Wisconsin Distinguished Professor, UW-Milwaukee

Resolution 6320: That, upon recommendation of the Chancellor of the University of Wisconsin-Milwaukee and the President of the University of Wisconsin System, Carolyn R. Aita be reappointed Wisconsin Distinguished Professor, College of Engineering and Applied Science, University of Wisconsin-Milwaukee, for the period July 1, 1993 through June 30, 1998.

Named Professor, UW-Green Bay

Resolution 6321: That, upon recommendation of the President of the University of Wisconsin System, David L. Outcalt be appointed the Philip and Elizabeth Hendrickson Professor, University of Wisconsin-Green Bay, effective January 1, 1994.

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Enrollment Management III Planning for 1995-2000

At the first session of the meeting, to which all Regents were invited, Senator Robert Jauch and Representative Stan Gruszynski made presentations and joined in discussion about enrollment management and about how to improve the discourse and sense of trust between the Regents and the Legislature. It was agreed that forums between Regents and small groups of legislators are very helpful in that regard.

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Report of the Senior Vice President

#### Announcements

Senior Vice President Portch reported to the Committee that the UW-Whitewater Chapter of the Society of Physics Students has been designated by the national office as one of 30 outstanding chapters in the country.

The Department of Public Instruction has provided UW-Stevens Point with a \$284,000 grant from the Office of Education, to serve as the lead

institution in eliminating the large number of emergency licenses for teachers of the learning disabled and emotionally disturbed.

The HELP (Higher Education Location Program) office has put together a bulletin that lists how individual advanced placement examinations will be counted for credit at each UW institution. Regent Grover expressed his pleasure at the university's response to the AP issue.

#### UW-Milwaukee Faculty Promotion

UW-Milwaukee Chancellor Schroeder recommended to President Lyall that Ceil Pillsbury be promoted to Associate Professor with tenure in the School of Business Administration, UW-Milwaukee, at the recommendation of an ad hoc committee that conducted a review in accordance with s. 36.13 of Wisconsin Statutes. The authority to approve such tenure appointments out of the budget cycle is delegated by the Board of Regents, and Senior Vice President Portch approved Dr. Pillsbury's promotion to Associate Professor with tenure by letter to Chancellor Schroeder on February 3, 1993.

#### Introduction of Administrative Intern

Dr. Portch introduced Dr. Sybil Hampton, who is serving as administrative intern in the System Office of Academic Affairs this semester. Her permanent appointment is Assistant Dean for Student Academic Affairs in the UW-Madison School of Family Resources and Consumer Sciences.

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#### UI 8: Bill of Student Rights and Responsibilities

Senior Vice President Portch reported to the Education Committee on the status of the development of a Bill of Student Rights and Responsibilities. His conclusion was that was nonadversarial process, done at the local level, will result in greater long-term ownership and meaning.

Three students made presentations to the Committee, stating disappointment that a systemwide document was not being accepted and suggesting some modifications in the process. Vice President Portch agreed to review and adopt some of the suggestions when formulating guidelines to assist institutions in developing their statements.

In Committee discussion, Regent Grebe expressed the hope that there will be a systemwide statement. Vice President Porch responded that such a statement might result from deliberations at the individual institutions.

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#### Change in Select Mission; Authorization to Implement B.S., Manufacturing Engineering, UW-Stout

The first review of the proposed change in the mission was held in March 1992. A hearing was conducted by Regent Krutsch in December 1992. Sr. Vice President Portch emphasized that the language of the mission change makes clear that this is approval only for an undergraduate manufacturing engineering degree. The program would require no additional

state resources, being supported by reallocation of existing resources at UW-Stout, private fund raising by UW-Stout, and existing engineering and technology education funding annually to UW-Stout. The B.S. in Applied Technology will be phased out no later than the year 2000.

In Committee discussion, Regent Davis indicated support for the program because there were no additional resource requirements, because UW-Stout has been cognizant of the cost issue, and because it is a natural program evolution for the institution. In response to a question by Regent Grebe about ABET accreditation, Chancellor Sorensen assured the Committee that qualified candidates are available to be recruited for faculty positions. Regent Krutsch indicated that she had been impressed at the hearing by the importance of the B.S. degree to students in the program.

Regent Davis moved and Regent Krutsch seconded adoption of the following resolution by the Board of Regents.

Resolution 6322: That, upon recommendation of the Chancellor of the University of Wisconsin-Stout and the President of the University of Wisconsin System:

the Board of Regents approves a change in the Select Mission of UW-Stout to include Manufacturing Engineering;

the Chancellor be authorized to implement the B.S. in Manufacturing Engineering.

Regent Gelatt stated his intention to vote against the resolution because of his concern about the apparent inability to do strategic program planning measured to the needs of the State of Wisconsin. With this addition, he noted, three of the four engineering programs in the UW System will be far from the state's centers of engineering activity. Pointing out that each of these programs is the product of logical incremental growth, the seed of which was the economy of the state a hundred years ago, he stated the hope that in the future there will be true strategic planning as to where programs should be sited. He considered the UW-Stout program a worthy addition to the campus and offered his vote not in opposition to the program, but in opposition to the process by which this conclusion was reached.

Put to the vote, Resolution 6322 was adopted, with Regent Gelatt voting in opposition.

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Redirection of Major/Degree in Environmental Policy and Planning, UW-Green Bay

In Education Committee review of this program, Regent Krutsch inquired about the significance of the science component. Dean Carol Pollis responded that, since there were only two required science courses, a minor in environmental science or a double major was recommended. Regent Krutsch expressed her concern about a degree in environmental policy and planning without an adequate base in science, and Regent Davis also indicated an interest in learning more about the rationale for the

amount of science in the program. Dean Pollis replied that System Administration had expressed similar concerns. She pointed out that UW-Green Bay already has a strong environmental science major, and this degree is conceptualized as based in the social sciences with strong components in political science, economics, planning and environmental law.

It was decided by consensus to withdraw the request for program approval at this time. Vice Chancellor Kuepper agreed to share these concerns with the program faculty and return for a future discussion with the Committee.

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#### Enrollment Management III Planning for 1995-2000: Working Paper No. 4 Overview of Regional and Cooperative Academic Programs

Regent Davis reported that presentation to the Education Committee of this working paper is the first of two steps in the discussion of regional and cooperative programs. The paper offered basic information and a beginning analysis of the potential for the use of regionalized and cooperative programs to maintain both quality and access during enrollment management III. In June 1993, the Regents will be provided with a second paper and a set of goals and principles that will provide the basis for a fundamental restructuring of the university and its curriculum.

In Committee discussion, Regent Grebe expressed particular interest in a cost/benefit analysis of regional and cooperative programs and in focusing on these programs from a student perspective. Regent Krutsch indicated interest in the broader issues of restructuring, as she had been impressed with the process of the lateral reviews. Regent Davis inquired about the possibility of requiring all new programs to be cooperative or regional. Senior Vice President Portch and Chancellor Kaplan indicated that it usually is best from a quality point of view to establish a program firmly on one campus before expanding it to others.

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#### REPORT OF THE PHYSICAL PLANNING AND DEVELOPMENT COMMITTEE

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

#### Consent Agenda Items

Resolutions 6323-6326 were approved unanimously by the Committee. Regent Dreyfus moved and Regent Gundersen seconded the motion for their adoption by the Board, and the motion was carried unanimously.

#### UW-Stout: Authority to Construct Memorial Student Center University Bookstore Remodeling and Expansion

Resolution 6323: That, upon the recommendation of the UW-Stout Chancellor and the President of the University of Wisconsin System, authority be granted to construct a Memorial Student Center University Book Store

Remodeling and Expansion project, at an estimated cost of \$233,000 from Program Revenues.

UW-Madison: Approval of Design Report/Authority to Construct Engineering Building Total Facilities Performance, Phase 2

Resolution 6324: 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 the Engineering Building Total Facilities Performance Project - Phase 2, at an estimated cost of \$4,550,000 from General Fund Supported Borrowing - WISTAR.

UW System: Approval to Construct Seven Roof Replacements

Resolution 6325: That, upon the recommendation of the UW-Green Bay, LaCrosse, Madison, and Stevens Point Chancellors and the President of the University of Wisconsin System, authority be granted to construct the following roof replacement projects, at the costs shown, from All-Agency Facilities Repair and Renovation Funds:

CAMPUS	BUILDING	ROOF AGE	COST
UW-Green Bay:	Phoenix Sports Center	18	\$ 286,500
UW-Green Bay:	Wood Hall	20	109,300
UW-La Crosse:	Main Hall	20	154,000
UW-Madison:	Robert M. Bock Laboratories	28	126,000
UW-Madison:	Hiram Smith Hall & Annex	100 & 83	150,000
UW-Madison:	Meteorology & Space Science	27	290,000
UW-St. Point	Physical Education Building Addition (Quandt Gym)	25	140,500
			\$1,256,300

UW Center-Waukesha County: Authorization to Revert Leased Property Rights to Waukesha County

Resolution 6326: That, upon the recommendation of the UW Centers Chancellor and the President of the University of Wisconsin System, authority be granted for the Officers of the Board to release leased property rights to Waukesha County of approximately one acre of property currently leased from Waukesha County. The County plans to transfer ownership of the land to the City of Waukesha to permit the construction of an access road leading to a proposed retirement village development west of the Waukesha County campus.

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UW-Green Bay: Authority to Construct Child Care Center

The following resolution, which had been approved unanimously by the Physical Planning and Development Committee, was moved by Regent Dreyfus and seconded by Regent Gundersen:

That, upon the recommendation of the UW-Green Bay Chancellor and the President of the University of Wisconsin System, authority be granted to include construction of a Children's Center at UW-Green Bay in the University System's 1993-95 Capital Budget, at a total estimated cost of \$800,000 Program Revenue Supported Borrowing; and, subject to Building Commission approval of the project as part of the 1993-95 Capital Budget, to issue a Request for Proposal (RFP) and negotiate with viable respondent(s) for the operation of the facility. The results of the RFP process will be submitted to the Board of Regents for final approval.

Regent Dreyfus explained that the advantage of having the facility constructed with program revenue-supported bonding is that the state's lower borrowing rate will reduce interest costs by \$44,000 per year, which amounts to a reduction of more than \$800,000 over the 20-year life of the bond. On the other hand, operation of the center by a private sector provider is estimated to cost about \$104,000 less per year than a university-operated center.

There was recognition by the Committee of the need for the UW-Green Bay facility at this time, he indicated, and it is not possible to obtain GPR bonding without exceeding the \$58 million bonding limit. After hearing much testimony, the Committee approved the recommendation embodied in the resolution.

In response to a question by Regent Krutsch Regent Dreyfus explained that the Committee felt it would be best to proceed with the construction request, and then let any operators--public and private--compete in the request for proposals (RFP) process.

Regent Schilling felt that to have the results of the RFP returned to the Board for approval would amount to micro-management on the part of the Board. While he considered it appropriate for the Board to mandate an RFP process, he believed the administration should then conduct the process and make the selection without further Board intervention.

It was moved by Regent Schilling and seconded by Regent Gundersen that the last sentence be deleted from the resolution.

Regent Krutsch expressed concern that, if the decision were to be made at the administrative level, the Board would have no discussion of the criteria involved, including cost and policy issues. For that reason, she thought it appropriate for the matter to be returned to the Board.

Regent Gundersen pointed out that there are numerous decisions made



by individual institutions in such areas as food service and custodial service, using competitive factors to determine whether the university should contract to have a service performed or perform the service with its own work force.

Regent Flores explained that the question of program operation had become involved with the facility construction matter because, when it was found that GPR funds were unavailable, monies had been provided to look into the prospects for a privately built and privately operated facility. Therefore, the unique history of this project had caused the construction and program aspects to become intertwined. Since it had now been concluded that the facility could be built less expensively with program revenue bonding, he agreed with Regent Schilling that UW-Green Bay should make the decision as to how the program should be operated.

Stating his support for the amendment, Regent Dreyfus compared aspects of the UW-Green Bay program to the former campus laboratory schools in which the programs were instruction and research related. Such decisions, he noted, normally have been made at the campus level.

Put to a roll-call vote, the amendment was adopted, with Regents Barry, Budzinski, Davis, Dreyfus, Flores, Gelatt, Grebe, Gundersen, Schilling and Steil (10) voting for the amendment and Regents Hirsch, Krutsch, Lubar and Nicholas (4) voting in opposition.

Stating his opposition to the resolution, Regent Hirsch commented that, while there is a need in Green Bay for this type of project, the recommendation before the Board is much different from the privately financed and privately operated facility which was contemplated in the original RFP. He was troubled that this change in direction did not accord with the Board's original intent.

In response to a question by Regent Davis, Regent Dreyfus explained that the salaries and benefits paid to the university faculty and staff differ substantially from the salaries and benefits of private day care providers. The difference in personnel costs in this type of program accounts for the large difference in operating costs.

Regent Lubar stated his intention to vote against the resolution on the basis of his view that state bonding for this type of facility is poor policy and would set a precedent for constructing new facilities for day care. He was not satisfied that the need for this facility had been demonstrated. In that regard, he referred to a letter from a representative of Green Bay area day care centers, who stated that there are about 600 empty spaces in those facilities and that students can be trained on an internship basis in private facilities.

Regent Lubar also was concerned that the cost of the facility seemed much higher than necessary and that the university would be liable for future excess costs and other liabilities. It was his position that a private concern should build and operate the facility and should have full responsibility for all costs and liabilities.

Regent Schilling observed that the location of the UW-Green Bay campus would not be an optimum site for a privately owned child care center. With regard to the proposed bonding, he noted that the debt service would be paid by users of the center and that users also would pay

all operating costs. He thought the Committee's recommendation also had been influenced by the importance of the center as a campus teaching facility. While the UW must be very careful about competing with the private sector, he commented, it is necessary to do so in cases such as this.

Regent Flores commented that provision of child care facilities is not different from provision of student dormitories, which also are financed with program-revenue borrowing. Just as dormitories have been essential for students who leave their homes to go to college, in today's environment child care facilities are necessary to enable a growing number of students to attend college. He therefore felt this facility should be provided.

Regent Dreyfus remarked that this would be the first time that users on a UW campus would have to support the cost of construction of a child care facility, as well as its operation. Child care facilities also are provided for state employees who pay only operating costs. An important point, he emphasized, is that the child care center does not offer just a service, but also includes the teaching and research functions of the early childhood program.

Regent Davis noted the two issues to be addressed were whether the facility is needed and, if so, who could best provide the facility. As to the first issue, his sense was that a facility is needed on campus, even though there may be child care spaces available in the community, since the students whose children make up 60 percent of the child center's clients may not have the mobility to place their children in all parts of Green Bay. He also found persuasive the role of the center in the university's educational program. In addition, he did not believe UW-Green Bay should be penalized for not having available an older structure to dedicate for a child care center as other campuses had done. However, Regent Davis questioned the assumption that the state could construct the facility more cheaply than a private developer and asked to what extent the Committee had addressed the issue of the construction cost differential.

Regent Dreyfus replied that the developer had appeared before the Committee and discussed his proposal. Vice President Brown explained that the developer had proposed a construction cost of \$830,000, while the figure used in the Committee's recommendation was \$800,000. The developer's figure for cost of money was over nine percent. The state bond rate was under six percent.

In response to a question by Regent Davis as to timing, Mr. Brown indicated that the developer could proceed immediately so that the center would be open by fall 1993. Construction by the state, however, would require enumeration in the budget, and the center would not be open until fall 1994.

Regent Kurtsch felt actual need for the center had not been clearly demonstrated and that there were discrepancies in data which had been provided. With respect to the question of access, she thought that, for some students, child care located near their part-time jobs might be more easily accessible than care located on the campus. She agreed that the educational usage of the center is important, but she had not seen any attempt to investigate the suggestion made by a private child care

organization that arrangements for the educational program be made with private providers. For these reasons, she was uncomfortable with the recommendation to go forward with the project.

Regent Gundersen reported that the Committee had heard much testimony from students which argued persuasively for a campus location with flexible hours. He felt the issue had been studied sufficiently and urged the Board to take action at this meeting.

Regent Dreyfus noted that the resolution would separate the question of facility construction from the question of operation of the center, which would be resolved later through the RFP process. He trusted that UW-Green Bay would be price sensitive, as well as program sensitive, in making that decision, in order to minimize the cost to students.

Regent Gelatt moved to amend the resolution by deleting from the fifth line the words "estimated" and "of," and inserting after the word "cost" the words "not to exceed." The motion was seconded by Regent Davis and unanimously carried.

Adoption of Resolution 6327, as amended, was carried on a roll-call vote, with Regents Barry, Budzinski, Davis, Dreyfus, Flores, Gelatt, Grebe, Gundersen and Schilling voting "Aye" (9) and Regents Hirsch, Krutsch, Lubar, Nicholas and Steil voting "No" (5).

Resolution 6327: That, upon the recommendation of the UW-Green Bay Chancellor and the President of the University of Wisconsin System, authority be granted to include construction of a Children's Center at UW-Green Bay in the University System's 1993-95 Capital Budget, at a total cost not to exceed \$800,000 Program Revenue Supported Borrowing; and, subject to Building Commission approval of the project as part of the 1993-95 Capital Budget, to issue a Request for Proposal (RFP) and negotiate with viable respondent(s) for the operation of the facility.

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UW-Extension; UW-Milwaukee: Authority for Civic Center Campus Property

Presenting Resolution 6328, which was approved unanimously by the Physical Planning and Development Committee, Regent Dreyfus recalled that, in accordance with Regent directive at the October 1992 meeting, there had been issued a Request for Proposals, to which four responses were received. Of these, the proposal submitted by the Grand Avenue Corporation was judged to be the best. The cost of this proposal, however, was about \$2.2 million more than the \$11.2 million budgeted figure. The resolution would provide for negotiations to meet the budgeted amount.

The Regents were provided with a list of all members of the Grand Avenue Corporation, for use in determining the existence of any potential conflict of interest relationships.

Adoption by the Board of Resolution 6328 was moved by Regent Dreyfus

and seconded by Regent Barry.

Resolution 6328: That, upon the recommendation of the UW Extension and UW-Milwaukee Chancellors and the President of the University of Wisconsin System, UW System Administration staff be granted the following authorities:

- a. Authority to negotiate a contract with the Grand Avenue Corporation for the lease/purchase of approximately 109,000 square feet of space in the John Plankinton Building, located above the Grand Avenue Mall in downtown Milwaukee, to serve as the University Center for Continuing Education, at a cost not to exceed \$11,250,000 (\$9,750,000 General Fund Supported Borrowing and \$1,500,000 Program Revenue Supported Borrowing); and, if negotiations are successful,
- b. Authority to dispose of the existing Civic Center Campus site, consisting of approximately 1.82 acres of land and two buildings located at 6th and State Streets in Milwaukee, at or above the average of two appraisals. The property was appraised in February 1992 at \$1,690,000 for the site with buildings, and at \$2,257,500 for the site if vacant.
- c. Authority to pursue appropriate Session Law language as part of the upcoming 1993-95 Capital Budget to enable the use of proceeds from the disposal of the existing Civic Center Campus site (assumed to be at least \$1,690,000) to offset the GPR cost of acquiring replacement facilities.

Regent President Steil inquired of General Counsel Stathas as to the types of relationships which would prohibit a Regent from voting on this matter. Mr. Stathas replied that such relationships would include being a major shareholder in one of the members of the corporation or belonging to a law firm which represents one of the clients in this matter.

Regent Nicholas emphasized the importance of this decision for the university's future presence in downtown Milwaukee. While his concerns in that regard had been largely resolved by talking with Chancellors Boyle and Schroeder, he felt the matter should be discussed thoroughly. He inquired about the proposal involving the J.C. Penny Building, which would allow the university to own a building in downtown Milwaukee rather than only part of a shopping-mall structure. He also inquired about the rights granted to the three unsuccessful proposers.

Regent Barry replied that the J.C. Penny reconstruction proposal was substantially higher in cost than the Grand Avenue proposal. He felt the availability of relatively secure and proximate parking is an important advantage of the Grand Avenue proposal.

Vice President Brown explained that all bidders had the opportunity

to present their best bids. After that, the selection was made as to the best proposal in terms of meeting identified needs. If no acceptable agreement could be reached with the highest scoring bidder, there would be negotiations with the bidder who presented the next highest scoring proposal. In evaluating the proposals, cost represented 35 percent of the score. Another 35 percent was performance of program requirements; 15 percent was for maintenance and operational costs; and 15 percent was for security, safety and access to public transportation.

In response to a question by Regent Barry, Regent Dreyfus indicated that nothing in the resolution would prohibit use of private funding to reach the budgeted level. Regent Barry agreed that an amendment to the resolution would not be necessary, with the understanding that any mix of funds would be allowed, not to exceed \$1.5 million program revenue borrowing and \$9.75 million general fund supported borrowing.

Stating his support for the resolution, Regent Lubar commented that the location is particularly good for university extension programming. However, due to membership on boards involved with the Grand Avenue Corporation, he would abstain from voting on this matter.

Regent Dreyfus felt that the high density of pedestrian traffic in the Grand Avenue area is an advantage to people attending extension programs, particularly in the evening. In addition, the parking area is patrolled, which adds to the sense of security.

Regent Budzinski stated that he would vote against the resolution because of his belief that the university should be involved in redeveloping the downtown and should have a highly visible, street-level presence, rather than a facility tucked into a mall. He cautioned that parking at Grand Avenue is no more secure than other downtown parking.

Regent Barry commented that the Grand Avenue Mall location is in the mainstream of activity in downtown Milwaukee. He felt this proposal represents a very good use of space and would reserve redevelopment opportunities that would be precluded if the university were to take another piece of downtown Milwaukee land off the tax rolls.

Regent Hirsch inquired about whether sale of the Civic Center campus is likely to recover the appraised value.

Vice President Brown replied that the property would be declared surplus, with the first option for purchasing available to other units of government, such as the city, the county, or the Milwaukee Area Technical College. If no governmental unit exercised that option, the property would be placed on the open market. To date, there had been one overture from a Milwaukee developer at a price of \$1.8 million.

Put to the vote, Resolution 6328 was adopted, with Regents Grebe, Hirsch and Lubar abstaining from the vote, and Regent Budzinski voting in opposition.

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Regent Flores, Chair, presented the Committee's report.

The Committee on Student Discipline and Student Governance Appeals met on December 10, 1992, to hear oral arguments and consider the appeal by the UW-Madison Segregated University Fee Allocation Committee (SUFAC) of the Chancellor's decision to discontinue funding for the Women's Transit Authority (WTA). On the basis of the record and the arguments that were presented, it was the Committee's unanimous recommendation that the Chancellor's decision be sustained.

The SUFAC appeal was brought under the Board's Guidelines for Student Governance, which provide for an appeal to the Board where "irreconcilable differences of judgment on the uses of allocable student fee income develop between a chancellor and the student organization charged with responsibility for initiating recommendations in this regard." Regent policy specifies a number of issues to be considered by the Board in reviewing an appeal of this type.

The issues relevant to this appeal are: (1) Did the student proposed budget item require the university to violate any statute, administrative code, policy or contract; and (2) was the basis for the chancellor's decision substantial?

In this case, the Chancellor's legal counsel advised that the WTA's practices of providing rides only to women, and of excluding men from acting as drivers or dispatchers, would have placed the university in violation of anti-discrimination laws if funding had been continued. Given this legitimate concern and the potential exposure of the university to legal liability for sex discrimination, the Committee found the basis for the Chancellor's decision to discontinue funding to be substantial. Because there was a substantial basis for the Chancellor's decision and because of the potential for a violation of law resulting from continued funding, it was the Committee's recommendation that the Chancellor's decision be sustained.

The Committee further recommended that the \$18,300 voted by SUFAC for the WTA be recommended for another allocation through the regular SUFAC process.

Upon motion be Regent Flores, seconded by Regent Dreyfus, Resolution 6329 was adopted unanimously by the Board of Regents.

Resolution 6329: That, on the recommendation of the Committee on Student Discipline and Student Governance Appeals, the Board of Regents adopts the attached decision and order in the matter of the UW-Madison SUFAC appeal of the Chancellor's decision to discontinue funding for the women's transit authority.

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#### REPORT OF COMMITTEE ON RELATIONSHIP WITH THE UNIVERSITY BOOK STORE

Regent Barry, Chair, presented the Committee's report.

The Regent Committee was appointed in June 1992 by Regent President Steil, in response to questions that were raised about the nature and appropriateness of the relationship of the Board to the University Book Store.

After deliberating at a number of meetings and receiving comments from all parties, the Committee decided to advance a recommendation consisting of several components. First, the Board of Regents would request a disclaimer by the book store to the effect that it is not part of the university. The book store management indicated willingness to implement this recommendation.

Second, to preserve Regent oversight under the trust indenture, the practice of receiving from the book store an annual audited financial statement would be continued, with the opportunity to request an additional unaudited financial statement should that be deemed advisable. The book store management also concurred with this recommendation.

The remaining two issues, which had engendered considerable discussion, concerned the composition of the book store board of trustees and the appointment process. The board of trustees currently consists of eight members--two faculty appointed by the Chancellor; two alumni appointed by the book store board in consultation with the Alumni Association; three students appointed by the Chancellor, the Wisconsin Student Association and the book store board; and the manager of the book store.

The Regent Committee had decided to recommend a nine-member board, composed of two faculty, two academic staff, two alumni, two students and the book store manager. Faculty and academic staff would be appointed from lists of one-to-three nominees submitted by their respective campus governance organizations. The book store board would select from those lists and could request additional names if desired, but would not be empowered to select someone not on the list of nominees. One student member would be appointed directly by the Wisconsin Student Association. The other would be an unrestricted selection by the board of trustees. The alumni members also would be selected without restriction by the board of trustees. The result of this process would be that the board, by itself, would select four of nine members.

Noting a communication from the book store manager charging that the Board of Regents would be exceeding its authority by recommending this change in composition of the board of trustees, Regent Barry pointed out that the trust indenture clearly provides for the Regents to perform an oversight role, including authority to appoint more members to the board of trustees. He did not believe this recommendation to be an undue exertion of Regent oversight.

Adoption by the Board of Regents of the following resolution, which was unanimously approved by the Committee, was moved by Regent Barry and seconded by Regent Flores:

Resolution 6330: That the oversight responsibilities of the Board of Regents under the trust indenture are appropriate and should be continued.

That the Board of Regents requests the University

Book Store to include a statement that it is a private business not part of the university in all its publications, advertisements and letterhead.

That the practice of providing the Board of Regents with one audited financial statement per year be continued, with the Board of Regents having the option of requesting one additional unaudited financial statement per year, if it desires.

That the University Book Store Board of Trustees be requested to propose the following changes to Article III, Sections 2, 3, and 4 of the By-Laws:

[Delete Section 2 and substitute the following:]

Section 2 Selection of Trustees. The Board of Trustees shall consist of:

- (a) Two members of the faculty of the University of Wisconsin at Madison;
- (b) Two alumni of the University of Wisconsin at Madison;
- (c) Two students currently enrolled in the University of Wisconsin at Madison;
- (d) Two members of the academic staff of the University of Wisconsin at Madison;
- (e) The manager of the University Book Store, Madison.

Faculty members shall be nominated by the University Committee. Academic Staff members shall be nominated by the Academic Staff Executive Committee. One student member shall be appointed by the recognized Wisconsin Student Government body with the other student member appointed by the Board of Trustees. Alumni members shall be selected at large from alumni of the University of Wisconsin at Madison by the Board of Trustees. Alumni members need not be members of the Wisconsin Alumni Association.

Appointment of faculty and academic staff trustees shall be made by the Board of Trustees from not less than one or more than three nominations made by each of the designated bodies. The Board of Trustees may request additional nominations from which it shall make its appointment.

[Amend Section 3 as follows:]

Section 3 Time of Appointment and Election and



Term of Office. The term of office of all trustees whether appointed or elected shall commence September 1 in each year. Appointment or election, as the case may be, shall take place during the month of May for a term to commence September 1st. In the event that the Wisconsin Student Association shall fail to appoint a student by June 15 of any year, the Chancellor of the University of Wisconsin, Madison shall make such appointment on behalf of the Wisconsin Student Association. Each trustee, other than a student trustee shall hold office for a term of four years or until his or her successor is appointed or qualifies. Each student shall hold office for a single term of two years. The sequence of terms shall be such that the term of one faculty member shall commence on September 1st of each odd numbered year, while the term of one alumni member shall commence in September of each even numbered year, with not more than one term of a faculty, academic staff or alumni member commencing commences in any given year.

No person shall be elected or appointed as a trustee after his sixty fifth birthday and no trustee shall be eligible to serve more than two full consecutive terms. The Wisconsin Student Association or its successor is urged to consider the desirability of nominating for an additional year these student members of the board who continue eligible for re election.

The term of office of the manager shall be as long as he or she is manager of the Book Store.

[Amend Section 4 as follows:]

Section 4 Vacancies on the Board of Trustees. Vacancies on the board of trustees caused by failure to qualify, failure of appointment or election, death, resignation, removal, or otherwise, shall be filled by appointment or election from the same class of trustees in which a vacancy occurs and by the same appointing or electing authority the same process provided for in Section 2 for the remainder of the term. If a vacancy is not filled by the proper appointing authority within sixty days. If nominations are not made within 60 days after notice from the board that such vacancy exists, such vacancy may be filled by election by the board of trustees from the same class of trustees in which the vacancy occurs, for the remainder of the term.

Regent Gelatt noted that the full Board of Regents had not had the benefit of materials regarding the issues involved in this matter. He moved that the resolution be tabled until the March 1993 meeting, to allow all Regents an opportunity to become more familiar with these issues. The

motion was seconded by Regent Flores.

The motion failed on a roll-call vote, with Regents Dreyfus, Flores, Gelatt, Grebe, Gundersen and Schilling voting in the affirmative (6) and Regents Barry, Budzinski, Davis, Hirsch, Krutsch, Lubar, Nicholas, and Steil voting in the negative (8).

Regent Gelatt noted his recollection that the Committee had been formed to investigate severing of the Board's ties with the book store. Instead, the Committee seemed to be recommending somewhat more control.

Regent Barry explained that the Committee's effort had been to seek a better understanding of the relationship of the book store to the university, rather than specifically to consider severing ties with the book store. A complaint had been registered by a private book store owner about unfair competition from the University Book Store. This led to discussion of the public perception of the book store as part of the university. Instead, it is a private business which operates under a trust indenture, involving the Board of Regents in a limited oversight role. The Committee found that the indenture could not be terminated without cooperation of all parties, and even then the process would be arduous.

After discussion with all parties and given the Chancellor's wish to avoid official institutional involvement in a business that is not part of the university, the Committee decided that the intent of the trust could best be met by having some members of the board of trustees chosen from among nominations of faculty and academic staff organizations and with appropriate student representation.

In response to a question by Regent Flores, General Counsel Stathas described the role of the Board of Regents, set forth in the trust indenture, as an oversight function, with ability to expand membership on the board of trustees. If the business were dissolved, distribution of the proceeds would be determined by the Board of Regents.

Regent Flores noted some inconsistency in both asking the book store to publish a disclaimer stating that it is not affiliated with the university, on the one hand, and on the other hand, exercising Regent authority with respect to composition of the board of trustees.

Put to the vote, Resolution 6330 was adopted, with Regent Gelatt voting "No."

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#### COMMUNICATIONS, PETITIONS, AND MEMORIALS

##### Appearance by President of The Association of UW Professionals

Dr. Gloria Toivola, President of The Association of UW Professionals, presented the Board with petitions signed by faculty and academic staff in nine UW comprehensive universities, indicating support for collective bargaining by faculty and academic staff. Such bargaining, she said, would involve wages, hours and conditions of employment. University

governance organizations would continue to deal with such issues as curriculum and class schedules. Issues of mission, structure and goals of the institution and statutory rights of students would be outside the scope of bargaining.

Salaries in non-bargaining universities, she stated, trail those in universities with collective bargaining. In addition, salary increases for teachers in Wisconsin public schools, the VTAE System and professional state employees, all of whom bargain collectively, have exceeded those accorded to faculty and academic staff.

Indicating that faculty at 403 colleges and universities in 33 states have collective bargaining rights, she commented that their professional involvement in teaching, research, and service is not different from that of UW faculty. What is different is that they negotiate such matters as salary and fringe benefits, grievance procedures, leave days, class size limits, professional development opportunities and retirement programs. Some use a salary schedule; most have negotiated across-the-board salary adjustments; and some use a merit system. Cut-backs in times of budget crisis also are negotiated. There is no universal model; instead bargained contracts reflect the circumstances of the members of the bargaining unit.

Commenting that UW faculty and academic staff are frustrated with a compensation system that does not attend to their needs, with lack of effective grievance procedures and lack of decision-making authority in the work place, Dr. Toivola urged the Regents to conduct a collective bargaining election.

President Steil advised the Board that state law does not provide for collective bargaining for faculty and academic staff. If new legislation were enacted to provide for it, the employer could well be the Department of Employment Relations.

Dr. Toivola took the position that the law does not specifically prohibit faculty and academic staff from bargaining, and that enabling legislation is not necessary for bargaining to occur.

Regent Flores remarked that, since the law identifying those who may bargain collectively does not include faculty and academic staff, by implication those not included are not allowed to bargain collectively.

In response to a question by Regent Budzinski, Dr. Toivola stated that she would not characterize as adversarial the relationship between the UW System and those wanting collective bargaining, since all share the objective of a strong university. However, there is frustration about lack of participation by faculty and academic staff in issues of great concern to them.

Regent Budzinski asked if Dr. Toivola would foresee any decrease in loyalty, professionalism or performance if collective bargaining were allowed. Dr. Toivola predicted that the opposite would occur, in that collective bargaining would empower faculty and academic staff and would have a positive effect.

In response to a question by Regent Dreyfus, Dr. Toivola stated the

view that collective bargaining would be compatible with shared governance because the two systems would deal with different subjects.

Regent Dreyfus noted that faculty and staff then would be involved in selecting management officials with whom they would bargain. One view, he pointed out, is that shared governance and collective bargaining are two different approaches which should not co-exist.

In response to a question by Regent Gundersen, Dr. Toivola indicated that TAUWP has about 1,100 members. There were about 1,000 signatures on the petitions, not all of whom were TAUWP members.

In response to a question by Regent Schilling, Dr. Toivola indicated that TAUWP has more faculty members than academic staff members. The response rate to the TAUWP survey, which went to all faculty and academic staff on nine campuses, was about 42 percent.

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PRESENTATION BY UW-WHITEWATER PROFESSOR ROBERT BURROWS--RECIPIENT OF 1992 REGENTS TEACHING EXCELLENCE AWARD

Introducing the presentation, Regent President Steil noted that in the spring of 1992 the Board of Regents established the Regents' Teaching Excellence Awards, named for the first year in honor of former Regent President Joyce Erdman, who was instrumental in initiating the award as part of the UW System's continuing commitment to teaching and learning, to the use of highly effective teaching strategies, and to the impact that faculty have on the intellectual development of students.

Regent Krutsch chaired the Awards Committee, joined by Regent Flores and Regent Emeritus Clusen. The Committee announced two awardees: Professor Maxwell Schoenfeld of UW-Eau Claire's Department of History who was honored at the September 1992 Board Meeting; and Professor Robert Burrows, of UW-Whitewater's Department of English, who recently returned from a semester as Exchange Professor of English at the Universitat Klagenfurt in Austria.

President Steil welcomed Regent Emeritus Clusen to present the award to Professor Burrows.

Regent Emeritus Clusen introduced Professor Burrows and presented him with a plaque in recognition of his accomplishments. In speaking of the reasons for his selection to receive the award, she cited his commitment and love of teaching, unusual creativity, impressive breadth of knowledge, and his ability to inspire the minds and influence the lives of his students.

Professor Burrows spoke about how his students' "spirit and character" made teaching in the UW System such a "challenging and rewarding life," and of the value of the professional and personal friendships that he has built over the years at UW-Whitewater. He identified six convictions that have influenced his teaching--belief in: the paramount importance of education for the well-being of society; the significance of teaching; the humanizing effect of great literature; the

importance of hard work; the importance of carrying a zest for life into the classroom; and students, themselves, and their eager search for values by which to live.

He ended his comments with an appeal to the Board to continue to provide faculty with incentives for study and research and to recognize teaching as a primary function of the entire university.

On behalf of the Board of Regents, President Steil expressed gratitude to Professor Burrows for his devotion to the university, his students and his profession.

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At 12:10 p.m., the following resolution, moved by Regent Nicholas, was adopted unanimously on a roll-call vote, with Regents Barry, Budzinski, Davis, Flores, Gelatt, Grebe, Hirsch, Krutsch, Lubar, Nicholas and Steil (11) voting in the affirmative. There were no negative votes nor abstentions.

Resolution 6331: That the Board of Regents recess into closed session for consideration of personnel matters, as permitted by s. 19.85(1)(c), Wis. Stats., including possible action on an extension of a leave of absence for more than initial two years for a faculty member at UW-Stevens Point, and a recommended dismissal for cause of a faculty member at UW-Milwaukee; to consider personal histories, as permitted by s. 19.85(f), Wis. Stats., including naming of a building at UW-Madison, possible action on appointments to the UW-Green Bay, UW-Milwaukee and UW-Superior Boards of Visitors, and honorary degree nominations at UW-Milwaukee, UW-River Falls, UW-Stout and UW-Superior; and to confer with legal counsel on pending or potential litigation, as permitted by s. 19.85(1)(g), Wis. Stats.

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#### CLOSED SESSION

The Board arose from closed session at 1:00 p.m. and reported the following actions:

Extension of Leave of Absence, UW-Stevens Point

Resolution 6332: That, upon recommendation of the Chancellor of the University of Wisconsin-Stevens Point and the President of the University of Wisconsin System, the leave of absence for Associate Professor James M. Haney, Division of Communication, University of Wisconsin-Stevens Point, be extended through January 11, 1995.

Appointments to Board of Visitors, UW-Green Bay

Resolution 6333: That, upon the recommendation of the Chancellor at UW-Green Bay and the President of the University of Wisconsin System, the following persons be appointed to the UW-Green Bay Board of Visitors for terms ending June 1994:

John Gibson  
Leonard Weis

Appointments to Board of Visitors, UW-Superior

Resolution 6334: That, upon the recommendation of the Chancellor at UW-Superior and the President of the University of Wisconsin System, the following persons be appointed to the UW-Superior Board of Visitors for terms ending February 1996:

Mr. Ronald V. Anderson  
Ms. Kathleen L. Boyle  
Ms. Barbara Hall

Appointment to Board of Visitors, UW-Milwaukee

Resolution 6335: That, upon the recommendation of the Chancellor at UW-Milwaukee and the President of the University of Wisconsin System, Daniel D. Fetterley be appointed to the UW-Milwaukee Board of Visitors for a term ending June 1995.

Honorary Degree Nomination, UW-Milwaukee

Resolution 6336: That, upon the recommendation of the UW-Milwaukee Chancellor and the President of the University of Wisconsin System, Reverend Leon Howard Sullivan be awarded the Honorary Degree of Doctor of Social Welfare at UW-Milwaukee.

Recommended Dismissal for Cause of Faculty Member, UW-Milwaukee

Resolution 6337: Upon review of the statement of charges and recommendation of the UW-Milwaukee Chancellor, the faculty member having waived all hearing and appeal rights, the Board of Regents does hereby dismiss for cause Associate Professor Gary Schlappal. The dismissal is effective this 5th day of February 1993.

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The meeting was adjourned at 1:00 p.m.

A handwritten signature in cursive script, appearing to read "J. A. Temby".

Judith A. Temby, Secretary

February 25, 1993