

MINUTES OF THE REGULAR MEETING

of the

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

Madison, Wisconsin

UW-Madison
Held in 1820 Van Hise Hall
Friday, November 11, 2005
9:00 a.m.

- President Walsh presiding -

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- President Walsh presiding -

PRESENT: Regents Axtell, Bradley, Burmaster, Connolly-Keesler, Crain, Davis, Loftus,
McPike, Pruitt, Randall, Rosenzweig, Salas, Semenas, Smith, Spector, and Walsh

ABSENT: Regent Gracz

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**APPROVAL OF THE MINUTES OF THE OCTOBER 7, 2005
MEETING OF THE BOARD**

The minutes of the October 7, 2005 meeting were approved.

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Diversity Council

In introductory remarks, President Reilly noted that inequality in educational outcomes for underrepresented and underserved groups is one of the most urgent and intractable problems facing higher education. Successfully addressing this challenge, he said, depends on the extent to which diversity is integral to an institution's mission.

In view of the UW's commitment to the educational value of diversity, he had asked leaders from across Wisconsin to become members of the first President's Council on Diversity for the University of Wisconsin System. It was expected that the Council

would help to assure that all UW students would gain the many benefits of diverse academic experiences and inclusive campus environments.

The President then stated several reasons why this effort is of critical importance:

- The U.S. workforce is becoming more diverse; and the racial/ethnic groups that are the fastest growing also are the least educated.
- A decline in educational attainment puts the country and the state at a competitive disadvantage.
- Diversity is a catalyst for educational excellence, enhancing students' intercultural competencies and their capacity to work within diverse groups.
- In the University of Michigan case, *Grutter v. Bollinger*, the Supreme Court upheld the principle that student body diversity is a compelling state interest that can justify consideration of race in university admissions.
- If current population trends continue and states do not improve the education of all racial/ethnic groups, the skills of the workforce and the incomes of U.S. residents are projected to decline over the next two decades, as reported by the National Center for Public Policy and Higher Education.

He then introduced the Chair of the Council, Mr. Cory Nettles, formerly Secretary of the Wisconsin Department of Commerce and an attorney with Quarles and Brady.

Expressing his appreciation for the appointment, Mr. Nettles commended UW leaders for understanding the strategic value of diversity to the state and the nation. In the next 50 years, he pointed out, the United States will be a majority minority country, which will have a profound impact on society as a whole.

He felt that the most important thing an organization could do to address this situation is to recruit and retain diverse people. For example, he noted that the UW Law School is the most diverse part of campus and that its graduates spread their talents across the state and nation.

In closing, he stated his commitment as head of the Council to helping to enable the university to be a national leader and champion of diversity in all its dimensions.

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Remarks by Milwaukee Mayor Tom Barrett

Mayor Barrett expressed appreciation for the good faith discussions that had taken place since the last meeting among the UW Medical School, the City of Milwaukee and UW-Milwaukee on the urgent matter of promoting public health for the people of Milwaukee. He also thanked Regents Spector, Rosenzweig, Davis, Randall, and Pruitt for their involvement and support. Advances in this area, he remarked, benefit not just Milwaukee, but the state as a whole; and, lack of health care access in the city is related to lack of such access in rural areas, with poverty being a significant factor in both cases.

Stating pride in the agreement that had been reached, he noted that it includes renaming of the Medical School to the School of Medicine and Public Health and includes agreement by the school to raise no objection to UW-Milwaukee establishing a school of public health in the future. To make that school a reality, he said, the continuing and strong support of the Board of Regents will be necessary. The next step would be for the supporters of the proposed school to develop a plan to move the project forward.

In closing, he thanked the Board for its respect and attention to this issue.

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REPORT OF THE PRESIDENT OF THE BOARD

Report on the October 21, 2005 meeting of the Educational Communications Board

A written report was provided to the Board

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Report on the November 9, 2005 meeting of the Hospital Authority Board

The Board received a written report.

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Report on the October 14, 2005 meeting of the Higher Educational Aids Board

A written report was provided to the Board.

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Report on the October 27, 2005 meeting of the Wisconsin Technical College System Board

The Board received a written report.

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Appreciation to Regents

Regent President Walsh expressed special appreciation to Regent Spector, Regent Rosenzweig and Regent Davis for their work on the Milwaukee public health issue; to Regent Pruitt for the great amount of time and effort he had spent on needed reforms of employment rules; and to Regent Spector, Regent Smith and Regent Rosenzweig for their ongoing work on the university's disciplinary process.

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Need to Invest in Public Higher Education

Regent President Walsh reported that he recently had spoken to a number of local groups, including the Optimist Club, the Downtown Rotary, and the UW-Madison Union Trustees. His message concerned the challenge of convincing state leaders of the need to invest in public higher education. In that regard, he noted the direct correlation between those states with a higher per capita income and the percentage of baccalaureate degrees in the state.

He also pointed out the dramatic reduction in the percentage investment in the university's budget by the state. For example, in 1974, 38% of the UW-Madison budget was GPR funded; today it is only 18% for UW-Madison and 23% for the UW System as a whole. For the first time in history, tuition at UW-Madison is a greater source of revenue than GPR investment. The reduction in state investment, he pointed out, has resulted in increased tuition, which has resulted in decreased access, particularly for those in low income groups. In that regard, he remarked that the percentage of students from the lowest income quintiles has declined from 13.9% to 11.2%, which represents both a reduction in student access and a lamentable loss of creative minds. Because these students grow up without expectations of going to college, they lack incentive to learn in school, resulting in poor performance and additional problems.

At the same time that tuition is increasing, he continued, financial aid is failing to increase at the same dollar for dollar rate, increasing the gap between cost and available funding and resulting in further loss of access.

As another reason for the need to reinvest in the UW, President Walsh pointed to the fact that the UW is starting to lose star faculty, along with their outside grants and the positive impact of those grants in driving state economic growth.

For all of those reasons, he said, the state needs to invest in higher education as part of the solution.

Noting that Regent Crain also had spoken to the Union Trustees, he hoped that she would share her excellent remarks with Regents and others.

Finally, Regent President Walsh reported that he spoke at the Hall of Fame Banquet at which his father was inducted into the Wisconsin Hall of Fame for his achievements as boxing coach at the University of Wisconsin.

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REPORT OF THE PRESIDENT OF THE SYSTEM

Veterans' Day

President Reilly reported that campuses throughout the UW system were taking time to thank those who have served this country as part of the Armed Forces. At UW-Madison, the Associated Students of Madison was holding a Veterans' Day parade, and the following week the President would be hosting a group of World War II veterans and their legislative representatives at Brittingham House. These veterans were part of a Wisconsin Public Television series that told the stories of their service.

The federal government's greatest participation in higher education was through the GI Bill of Rights. Titled the Servicemen's Readjustment Act of 1944, the bill provided federal aid to help veterans adjust to civilian life and continue their education, including tuition, subsistence, books and supplies, equipment and counseling services.

With these new benefits, veterans flocked to the nation's colleges and universities. Within seven years, about eight million veterans had received education benefits. Tens of thousands went to school in Wisconsin, with enrollment at the UW in Madison doubling between 1946 and 1947.

Noting that the effects on society were transforming, the President indicated that this new and older student population called for new and different courses and more teachers. No longer limited to those between the ages of 18 and 23, the notion that higher education was the privilege of a well-born elite was finally shattered. Continuing the legacy, the university today partners with the Legislature and the Wisconsin Department of Veterans Affairs to provide educational opportunities to a new generation of veterans, their spouses and children.

The GI Bill and other veterans' aid programs, he pointed out, give veterans a greater opportunity to earn four-year degrees and also help the university succeed in its mission to serve as an economic engine for Wisconsin.

President Reilly then introduced Stephen Michael Terry, a Corporal and Squad Leader with the 2nd Battalion, 24th Marines, in Madison. After serving with the infantry in Iraq last year, Corporal Terry became one of more than 3,000 veterans who are students in the UW System. In recognition of student veterans and gratitude for the sacrifices made by them and their families, he called on Corporal Terry to share some remarks with the Board and audience.

Expressing appreciation for the recognition given to student veterans, Corporal Terry said that he was using the GI Bill and other federal programs to fund his Bachelor's Degree program in Legal Studies at UW-Madison. University programs, he added, have been helpful to him in making the transition from active duty to student status.

Regent Loftus noted that, when serving as U.S. Ambassador, he had received protection from the Marines; and he expressed gratitude for the excellent service they had rendered.

Regent Salas asked that honor also be extended to veterans working for peace.

Diversity Awards

President Reilly commended UW-La Crosse and UW-Oshkosh, which were honored last month with 2005 Diversity Awards presented by the State Council on Affirmative Action and the Office of Employment Relations. These awards were named last year in honor of former UW-River Falls Chancellor Ann Lydecker.

UW-Oshkosh was recognized for a program developed by the Admissions Office, in which campus specialists work with potential students from African-American, Southeast-Asian, Hispanic-Latino, and American Indian backgrounds while they are in high school. By networking with families, educators and leaders in the students' home communities, they help them to overcome obstacles that may keep them from going to college. Since the program began, applications from minority communities increased 79%, admissions climbed 57% and enrollments at UW-Oshkosh were up 40%.

UW-La Crosse was honored for several pre-college programs it offers to multicultural and disadvantaged students. The programs, some of which have been ongoing for more than 30 years, include intensive academic advising, mentoring, tutoring, and cultural enrichment opportunities.

President Reilly congratulated Chancellors Wells and Hastad, along with all the staff on those campuses who have made these achievements possible.

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Stem Cell Veto

President Reilly expressed appreciation for the veto by Governor Doyle of Assembly Bill 499, which would have made it illegal to conduct what could be life-saving biomedical research in Wisconsin. The therapeutic research protected by the veto, he pointed out, is the result of cloning cells. The research is not about cloning human beings, which the UW opposes.

UW-Madison has been selected by the National Institutes of Health as the federal government's first and only National Stem Cell Bank, a designation that will bring \$16 million in funding over the next four years. The bank will work with the existing stem-cell lines approved by the federal government.

The President said that he was pleased to join the Governor and several children with juvenile diabetes at a UW-Madison Biotechnology lab for announcement of the veto, which protects the university's capacity for progress in health research and scientific discoveries, as well as in growing the economic vitality of the state.

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Award to Interim Chancellor Larson

President Reilly congratulated Vicki Lord Larson, Interim Chancellor of UW-Eau Claire, who received the first outstanding Achievement Award given by Wisconsin Women in Higher Education Leadership. Carol Sue Butts, President of the organization and Provost and Vice Chancellor of UW-Platteville, said Chancellor Larson was given

the award for excellence as a teacher and administrator, and also for her work to improve the climate and opportunities for women educators.

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UW Central Wisconsin Connection

It was reported by President Reilly that UW-Stevens Point and the UW Colleges in Marshfield and Marathon County have launched a dynamic partnership called the UW Central Wisconsin Connection. The collaboration will ease student transfers from the two-year colleges to UW-Stevens Point and also will dually admit qualifying students from those campuses to Stevens Point, making it possible for students to seamlessly transition to a four-year degree. Students can also stay with UW-Marshfield or UW-Marathon County to complete a baccalaureate degree.

This partnership, the President pointed out, demonstrates how UW campuses are working together on creative solutions to meet student needs, and it reflects the commitment to increasing the number of baccalaureate degree holders in Wisconsin.

Stating that the economic future of Wisconsin is linked to its public higher education institutions, he said that the university needs to educate and graduate more students, which can be done with efforts like the UW Central Wisconsin Connection. He expressed thanks to all those involved in creating and launching this program.

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Condolences to Regent Emeritus Marcovich and Family

President Reilly expressed condolences to former Regent President Toby Marcovich, his wife Sharon and their family on the recent passing of their daughter and extended deepest sympathy to them on behalf of the UW System.

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REPORT OF THE EDUCATION COMMITTEE

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

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Presentation on University of Wisconsin System Initiatives to Address Alcohol and Other Drug Abuse

Regent Burmaster reported that the Committee heard a powerful presentation on the incidence of alcohol and other drug abuse in the UW System and what the institutions and system are doing to address it. A presentation on these topics was made by UW-Stevens Point Chancellor Linda Bunnell, Assistant Vice President Larry Rubin and two campus directors working on intervention strategies to reduce AODA incidence.

Noting that there is little good news in this report, Regent Burmaster indicated that the system-wide survey shows that alcohol abuse among UW students is rampant and that the UW places very high in national rankings of alcohol abuse by students.

Conducted by the UW System, the survey gathered for the first time uniform data on both direct and indirect consequences of alcohol and other drug abuse. This baseline data will help in gauging the effectiveness of prevention strategies going forward.

One optimistic trend found in the survey is that the number of students who identify themselves as non-drinkers is rising.

The Committee heard about several campus strategies, including safe house parties, challenging expectations about alcohol use and engaging in marketing campaigns to correct student misperceptions about alcohol and drug use. Although resources are limited, the campuses are taking this work very seriously and the UW System is seeking to provide leadership and coordination of services as best it can.

Chancellor Bunnell commented that she has been impressed with the Board's willingness to take up this difficult topic, and she urged the Board to continue its attention to the issue and to support all efforts to reduce AODA incidence.

Noting that campuses cannot do this work alone, Regent Burmaster indicated that leadership and courage are needed at all levels of the state.

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Renaming of the UW-La Crosse College of Science and Allied Health the College of Science and Health

The Committee was informed that this renaming is part of the campus's overall reorganization plan and that there is campus-wide support for the change. A resolution authorizing proposed renaming was approved by the Committee for inclusion in the consent agenda.

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Progress Report on the Dialogues among the UW Medical School, UW-Milwaukee and the City of Milwaukee

The report was provided pursuant to a resolution passed by the Board at the October meeting asking that the UW Medical School commence good faith dialogues with UW-Milwaukee and the City of Milwaukee in order to develop and collaborate on strategies addressing the enormous public health challenges of the City of Milwaukee. The report described the dialogues and the beginning of the development of a set of both short-term and long-term strategies. Renaming of the Medical School was contingent on the Board's acceptance of the report.

Regent Burmaster emphasized that the issues discussed did not reflect a competition between Madison and Milwaukee; instead it had to do with bringing public health services to the people of the city and the state. Regent Spector reported to the Committee that the dialogues exceeded good faith efforts in terms of the strategies developed, the funding committed and the collaboration that took place. He commended

the parties involved, including Milwaukee Mayor Tom Barrett and Dean Phil Farrell, of the Medical School.

Regent Davis expressed her appreciation for the high level of collaboration and the commitment to Milwaukee's future exemplified in the plans described in the report. All Committee members were pleased with the outcome and the work that went into achieving it.

Regent Burmaster thanked Mayor Barrett, Dean Farrell, his assistant Sharon Cook, the Milwaukee area Regents, Senior Vice President Marrett, Rebecca Karoff and others who contributed to the positive results that had been obtained.

At the request of Regent Rosenzweig, Regent Spector suggested an amendment to the proposed resolution, to review annually how the Medical School is addressing public health challenges in Milwaukee instead of tying the review to the annual report of *The Wisconsin Partnership Fund for a Healthy Future*, as originally proposed. The Committee concurred and approved the amended resolution for inclusion in the consent agenda.

Senior Vice President Marrett drew the Committee's attention to documents received from a group of concerned clinical faculty from the UW Medical School's clinical campus in Milwaukee. While some of them attended the meeting, they were not granted permission to speak because they were pursuing appeals of personnel decisions through the UW-Madison Academic Staff Personnel Policy Committee. Because these appeals were still pending and might at some point in the future be heard by the Board, it was not considered appropriate for the Board to hear their concerns at this time.

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Continued Discussion on the Wisconsin Quality Educators Initiative

Regent Burmaster reported that the Committee's discussion yielded valuable insight and helped move the Committee forward in establishing its priorities for the coming year and beyond.

Regent McPike spurred discussion on how to establish connections between educational theory and practice and on how to ensure that what teachers are taught corresponds to what they teach their students and what they most need in the way of preparation as new teachers.

PI 34, Regent Burmaster pointed out, insists upon more connections between theory and practice and it allows for a more meaningful framework of accountability and for more follow-up with practicing teachers. The Committee was encouraged by the campus presentations on preparation of quality teachers and will return to the topic in the future. The effort will be to articulate outcomes and to know that the work going on in the universities and the public schools achieves those outcomes.

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Continued Discussion on Education Committee Planning

Regent Burmaster reported the Committee's interest in infusing a more prominent accountability framework into each of its priority areas. Discussion of the annual *Achieving Excellence Report* will be used to identify appropriate benchmarks and measures for each priority area. Further, the Committee intended to engage with the System's effort to re-think accountability in the UW System, both in the annual report and in educational practices more generally.

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Promoting the UW System through Reports like the Industrial and Economic Development Research Fund Report

The Committee approved a resolution accepting the report for inclusion in the consent agenda. It was noted that the report is filled with information about research in the UW System, collaborations between the UW and industry, and the remarkable contributions made by UW institutions to the economic development of Wisconsin.

Regent McPike asked how this report could be made more public and used in a positive way to spread the good news about what the UW is doing for Wisconsin. The Committee agreed with the need to devise a strategic approach to communications that would get these kinds of stories out to the people. In that regard, it was noted that Regents can contribute to this effort as they interact with people in local and state government, business and industry, and citizens in their regions of the state.

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Consent Agenda

Regent Burmaster moved adoption as consent agenda items of Resolutions 9092-9094 and the motion was seconded by Regent Axtell.

At the request of Regent Rosenzweig, Resolution 9093 was removed from the consent agenda.

The question was put on Resolutions 9092 and 9094, and they were adopted on a unanimous voice vote.

Rename the University of Wisconsin-La Crosse College of Science and Allied Health

Resolution 9092: That, upon recommendation of the Chancellor of the University of Wisconsin-La Crosse and the President of the University of Wisconsin System, the name of the University of Wisconsin-La Crosse College of Science and Allied Health be changed to the College of Science and Health.

Report on Industrial and Economic Development Research Fund

Resolution 9094: That, upon recommendation of the President of the University of Wisconsin System, the report on projects undertaken in the UW System during fiscal years 2003-04 and 2004-2005, and supported by the Industrial and Economic Development Funds, be received and approved for transmittal to the Joint Committee on Finance, in accordance with s.36.25(25)(c), *Wis. Stats.*

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Progress Report on the Dialogues among the UW Medical School, UW-Milwaukee and the City of Milwaukee

Thanking the Education Committee for its good work on this issue, Regent Rosenzweig emphasized its importance to the City of Milwaukee and the public health needs of its people. Noting Wisconsin's strong tradition in the field of public health, she commented that there is an opportunity to put in place a school of public health that combines medicine and public health in new and exciting ways. She observed, however, that the effort will continue to require the Board's muscle behind it since there are forces that work to drive those fields apart. She also pointed out that public health needs in Milwaukee are similar to those of rural areas in that in both places resources are short and money is scarce.

Regent Randall recalled that he had been skeptical about whether the two universities could come together on this issue, but that he was pleased to be proven wrong. Thanking Regent President Walsh for his leadership and follow-through in this matter, he commended those involved for their willingness to engage in the type of positive collaborations that are necessary given the tightness of resources and the expectations of the community.

Commending Regent Rosenzweig for the amendment made at her suggestion, Regent Loftus expressed hope that the annual report will deal with progress in such areas as HIV, vaccinations, and other important public health issues.

Regent Walsh expressed appreciation to Governor Doyle for his support of the collaborations and to the *Milwaukee Journal Sentinel* setting forth the issues and bringing them to the public's attention.

The question was put on Resolution 9093, and it was adopted on a unanimous voice vote

Progress Report on the Dialogues among the UW Medical School, UW-Milwaukee and the City of Milwaukee

Resolution 9093: BE IT RESOLVED that the Board of Regents accepts the University of Wisconsin Medical School's report

and affirms its approval of the renaming of the Medical School to the University of Wisconsin School of Medicine and Public Health, effective Friday, November 11, 2005.

BE IT FURTHER RESOLVED that further review of the UW School of Medicine and Public Health's collaboration with UW-Milwaukee and the city of Milwaukee, with the purpose of addressing the challenging public health issues facing Milwaukee, will take place annually.

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REPORT OF THE PHYSICAL PLANNING AND FUNDING COMMITTEE

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

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UW-Extension: Authority to Adjust the Budget of the Lowell Hall Improvement Project

The Committee unanimously approved a resolution to grant authority to increase the budget of the project to accommodate the results of bidding which came in about \$500,000 over the original estimated budget because of a restrictive site and scheduling problems.

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UW-Green Bay: Authority to Grant an Easement for Installation of Utilities

The Committee unanimously approved authority for granting an easement for installation of underground utilities to allow the owners of land adjacent to university property to extend municipal utilities across university property to their newly developed home.

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UW-Madison: Authority to Seek a Waiver of s.16.855 Under Provisions of s.13.48(19) to Allow Selection of a Construction Manager-At-Risk for the Biochemistry II Project

The Committee unanimously approved this approach that would allow the contractor to partner with the consulting architectural/engineering team from the early design phase of the project through completion. The primary reason for partnering with a

contractor is to determine project costs early in the process which will allow the campus to make more informed decisions and to better manage its limited financial resources for the project. Another reason for the partnership is the complexity of mechanical and electrical requirements and the elaborate building systems required for the research laboratories. It was noted that other projects facilitated by this approach included the Kohl Center, the Camp Randall project and the Interdisciplinary Research Center.

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UW-Stevens Point: Approval of Design Report and Authority to Construct University Center Remodeling and Addition Project and Adjust the Project Budget

The Committee unanimously recommended approval of this project that would revitalize and expand the Dreyfus University Center, with 36,500 GSF of addition and 155,010 GSF of remodeling. The increase in the project budget that was estimated nearly four years ago resulted from discovery of additional asbestos and the impact of inflation.

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UW System: Approval of Funding Allocations for Classroom Renovation/Instructional Technology Improvement Projects

The Committee unanimously approved authority to allocate the 2005-07 classroom renovation/instructional technology improvements program funding of \$2.5 million to accomplish projects at UW-Eau Claire, UW-Madison, UW-Milwaukee, UW-River Falls, and UW-Stevens Point.

The Board recommended continuation of this program at \$15 million as part of the 2005-07 Capital Budget; and it was enumerated at \$7 million, with up to \$4 million of that amount targeted for wiring needs at UW-Madison. Subsequently, the Board approved a plan to abide by a legislative mandate to reduce 2005-07 enumerated projects by \$10 million. As a result, the classroom renovations/instructional technology improvements program was decreased to \$2.5 million.

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UW System: Authority to Construct Facility Maintenance and Repair Projects

The Committee unanimously approved authority to construct maintenance and repair projects at UW-Eau Claire, UW-Oshkosh, UW-Platteville, UW-Madison, and UW-River Falls. These projects address issues of facilities maintenance and repair; health, safety, and environmental protection; and utilities repair and renovation.

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Consent Agenda

Adoption by the Board of Regents of Resolutions 9085-9090 as consent agenda items was moved by Regent Salas and seconded by Regent Crain.

At the request of Regent Loftus, Resolutions 9085, 9088, and 9090 were removed from the consent agenda.

The question was put on Resolutions 9086, 9087, and 9089, which were adopted on a unanimous voice vote.

UW-Green Bay: Authority to Grant an Easement for the Installation of Utilities

Resolution 9086: That, upon the recommendation of the UW-Green Bay Chancellor and the President of the University of Wisconsin System, authority be granted for the officers of the Board of Regents to grant a 20-foot wide by approximately 1,320-foot long permanent easement in the Town of Bailey’s Harbor, Door County, Wisconsin, for underground utilities installation.

UW-Madison: Authority to Seek a Waiver of s.16.855 Under Provisions of S.13.48(19) to Allow Selection of a Construction Manger-At-Risk for the Biochemistry II Project

Resolution 9087: That, upon the recommendation of the UW-Madison Chancellor and President of the University of Wisconsin System, authority be granted to seek a waiver of s.16.855 under the provisions of s.13.48 (19) to allow selection, through a Request for Proposal (RFP) process, of a Construction Manager-at-Risk for construction of the Biochemistry II project, at a preliminary estimated budget of \$88,950,000 (\$43,450,000 General Fund Supported Borrowing– BioStar, and \$45,500,000 Gifts/Grants).

UW System: Approval of Funding Allocations for Classroom Renovation/Instructional Technology Improvement Projects

Resolution 9089: That, upon the recommendation of the President of the University of Wisconsin System, authority be granted to allocate the 2005-07 Classroom Renovation/Instructional Technology Improvements Program funding, totaling \$2,500,000 of General Fund Supported Borrowing; undertake various classroom/technology projects at five UW institutions;

and expand the capacity of this program by utilizing institutional and gift and grant funds.

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UW-Extension: Authority to Adjust the budget of the Lowell Hall Improvement Project

Adoption of the following resolution was moved by Regent Crain and seconded by Regent McPike:

Resolution 9085: That, upon the recommendation of the UW-Extension Interim Chancellor and the President of the University of Wisconsin System, authority be granted to increase the budget of the Lowell Hall Improvements project by \$639,000 Program Revenue-Cash for a revised total project cost of \$1,977,000 (\$1,144,000 Program Revenue Supported Borrowing and \$833,000 Program Revenue-Cash).

Regent Loftus inquired as to the source of the program revenue-cash to be used in funding the project. Assistant Vice President Miller replied that it would come from fees received by Lowell Hall for programs and rooms.

The question was put on Resolution 9085, and it was adopted on a unanimous voice vote.

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UW-Stevens Point: Approval of the Design Report and Authority to Construct the University Center Remodeling and Addition Project and Adjust the Project Budget

Adoption of the following resolution was moved by Regent Crain and seconded by Regent Pruitt:

Resolution 9088: That, upon the recommendation of the UW-Stevens Point Chancellor and the President of the University of Wisconsin System, (1) the Design Report be approved and authority be granted to: (2) construct a University Center Remodeling and Addition project; (3) increase the project budget by \$6,547,000 (\$6,000,000 existing Program Revenue Supported Borrowing and \$547,000 Program Revenue-Cash) for a total estimated cost of \$23,267,000; and (4) merge an All Agency project at a cost of \$1,055,000 (\$949,500 General Fund Supported

Borrowing-Utilities Repair & Renovation and \$105,500
Program Revenue-Cash.

In response to a question by Regent Loftus, Mr. Miller explained that the program revenue funds would come from segregated fees approved by the student government, amounting to an annual increase in fees of \$239 per student.

Regent Salas added that the Physical Planning and Funding Committee discussed thoroughly the process by which the student contribution was decided. The scope of the project had been reduced to limit the student fee burden.

Chancellor Bunnell noted strong student support for this project and its benefit to future students.

The question was put on Resolution 9088; and it was adopted on a voice vote, with Regent Loftus voting in opposition.

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**UW System: Authority to Construct Facility Maintenance and Repair
Projects**

Adoption of the following resolution was moved by Regent Crain and seconded by Regent Connolly-Keesler:

**UW System: Authority to Construct Facility Maintenance and Repair
Projects**

Resolution 9090: That, upon the recommendation of the President of the University of Wisconsin System, authority be granted to construct various maintenance and repair projects at an estimated total cost of \$10,531,000 (\$5,615,600 General Fund Supported Borrowing, \$806,000 Program Revenue Supported Borrowing, \$3,959,400 Program Revenue-Cash, and \$150,000 Gifts/Grants).

Regent Loftus inquired as the source of program revenue funds for these projects.

Explaining that they vary by project, Mr. Miller indicated that the funds for the roof replacement at UW-Eau Claire would come from residence halls fees. For utility projects, a system-wide percentage, negotiated with the Division of State Facilities Development, is used to determine the program revenue contribution. Each institution accrues cash for such projects, which saves on borrowing costs. The borrowed portion would be part of the state bonding program.

The question was put on Resolution 9090, and it was adopted on a unanimous voice vote.

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Building Commission Actions

Assistant Vice President Miller reported that the Building Commission approved about \$27 million for projects at its September meeting. Of that amount \$22 million was general fund supported borrowing, \$4 million was program revenue, and one million was gift funding. Included was advance planning funds for new academic buildings at UW-La Crosse, UW-Superior, UW-Oshkosh and UW-Parkside, to be enumerated in the 2007-09 biennium.

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REPORT OF THE BUSINESS, FINANCE, AND AUDIT COMMITTEE

The Committee’s report was presented by Regent Pruitt, Chair.

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Continued Review of University Personnel Policies and Practices

Thanking colleagues on the Committee for their wisdom and effort, Regent Pruitt observed that the changes being made are the most significant reforms of personnel policies and practices in many decades. Reform of the sick leave policy and strengthening of the audit function already had been enacted.

The changes being proposed at this meeting would eliminate back up appointments for outside hires who do not qualify for tenure. Instead, a six-month termination clause would be available. The Committee’s intention was to make needed reforms without handcuffing leaders in their efforts to attract talented people to the UW. While the Committee approved the resolution, members requested additional information on fixed-term contracts for the December meeting. In addition, the staff was asked to prepare information on competitive compensation, noting that President Reilly had shared information that shows UW chancellors’ salaries to be 17% behind their peers.

Upon motion by Regent Loftus, seconded by Regent Rosenzweig, the Committee amended the resolution to state that its effect is to eliminate back-up appointments.

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

Continued Review of University Personnel Policies and Practices

Resolution: Whereas, at its September, 2005 meeting, the Board of Regents approved an eight-point resolution addressing University of Wisconsin System personnel policies and practices; and

Whereas, among other items included in that resolution, the Board of Regents directed that "with input from appropriate governance groups, position titles designated as limited appointments shall be reviewed, and the practice of negotiating fixed-term contracts for administrators in lieu of limited term appointments shall be considered. A report on that assessment will be presented to the Board of Regents no later than its November, 2005 meeting;" and

Whereas, the advice of the governance groups has now been received, and it is the general consensus that fixed-term contracts for administrators should not be substituted for the current limited term appointments because of the likely additional costs associated with such a system, and the related loss of flexibility in dealing with administrators who no longer fulfill the requirements of the position; and

Whereas the governance groups have further suggested that, going forward, limited appointments should be restricted only to those identified in s. 36.17, Wis. Stats., unless otherwise authorized by the UW System President; and

Whereas, the position titles designated as limited appointments and the practice of using fixed-term contracts for administrators in lieu of limited term appointments, have also been reviewed by appropriate UW System staff;

Now therefore be it resolved:

That, upon the recommendation of the President of the UW System, the Board of Regents adopts the following principles:

- (1) As required by s. 36.17, Wis. Stats., limited appointees holding concurrent UW System faculty or academic staff appointments under ss. 36.13 and 36.15, Wis. Stats., shall not lose those faculty or academic staff appointments upon accepting a limited appointment.

- (2) Limited appointees entering UW System employment from other institutions and either: (a) holding a tenured faculty position elsewhere or (b) having been recruited to a position with a requirement or expectation of tenurability, and who have been recommended for tenure by the appropriate UW department may be granted a concurrent tenure appointment as part of the employment contract process.
- (3) The status or the length of the term of a concurrent appointment held by a limited appointee may not be altered while the individual is serving in the limited appointment.
- (4) Limited appointees entering UW System from other institutions who do not hold tenure elsewhere and were not recruited with a tenurability requirement shall not be granted concurrent appointments; however, at the discretion of the appointing authority, such employees may be granted not more than six months notice of termination as permitted under s. UWS 15.01, Wisconsin Administrative Code, at the same salary, and with possible reassignment to other duties during this period.
- (5) From and after the date of this resolution, notwithstanding any institutional policies to the contrary, limited appointments shall be permitted only for those positions enumerated in s. 36.17, Wis. Stats., unless an institution demonstrates unique circumstances justifying the creation of additional limited appointments and the UW System President authorizes, in writing, the addition of such a limited appointment.

The effect of this resolution is to eliminate “back-up” appointments.

Regent Rosenzweig commented that the intent is to eliminate the term, as well as the existence, of back-up appointments.

Regent Salas observed that almost all UW campus faculties and staff have approved resolutions favoring the right to choose collective bargaining. He suggested that, at an upcoming meeting, representatives be invited to state their case to the Board.

Regent Spector suggested that the word “unique” be struck from the fourth line of paragraph 5, and the suggestion was accepted as a friendly amendment.

Referring to possible use of fixed-term contracts, Regent Smith said the purpose would be to give the President and other leaders as much flexibility as possible in negotiating terms that would attract talented people to the UW.

Regent President Walsh indicated that it also is important to study the impacts of use of contracts at other universities and to determine whether a statutory change would be needed to allow such use in Wisconsin.

Regent Spector concurred with the importance of information from other schools, noting that chancellors sometimes are asked to be change agents. In that role, they need protection against the push-back that may ensue.

Regent Pruitt thanked Regent President Walsh and President Reilly for their leadership in working toward resolution of these matters and recognized General Counsel Brady, Vice President Durcan and Associate Vice President Crist for the great deal of time and effort that they devoted to these issues.

The question was put on Resolution 9091, as amended, and it was adopted on a unanimous voice vote.

Continued Review of University Personnel Policies and Practices

Resolution 9091: Whereas, at its September, 2005 meeting, the Board of Regents approved an eight-point resolution addressing University of Wisconsin System personnel policies and practices; and

Whereas, among other items included in that resolution, the Board of Regents directed that "with input from appropriate governance groups, position titles designated as limited appointments shall be reviewed, and the practice of negotiating fixed-term contracts for administrators in lieu of limited term appointments shall be considered. A report on that assessment will be presented to the Board of Regents no later than its November, 2005 meeting;" and

Whereas, the advice of the governance groups has now been received, and it is the general consensus that fixed-term contracts for administrators should not be substituted for the current limited term appointments because of the likely additional costs associated with such a system, and the related loss of flexibility in dealing with administrators who no longer fulfill the requirements of the position; and

Whereas the governance groups have further suggested that, going forward, limited appointments should be restricted only to those identified in s. 36.17, Wis. Stats., unless otherwise authorized by the UW System President; and

Whereas, the position titles designated as limited appointments and the practice of using fixed-term contracts for administrators in lieu of limited term appointments, have also been reviewed by appropriate UW System staff;

Now therefore be it resolved:

That, upon the recommendation of the President of the UW System, the Board of Regents adopts the following principles:

- (1) As required by s. 36.17, Wis. Stats., limited appointees holding concurrent UW System faculty or academic staff appointments under ss. 36.13 and 36.15, Wis. Stats., shall not lose those faculty or academic staff appointments upon accepting a limited appointment.
- (2) Limited appointees entering UW System employment from other institutions and either: (a) holding a tenured faculty position elsewhere or (b) having been recruited to a position with a requirement or expectation of tenurability, and who have been recommended for tenure by the appropriate UW department may be granted a concurrent tenure appointment as part of the employment contract process.
- (3) The status or the length of the term of a concurrent appointment held by a limited appointee may not be altered while the individual is serving in the limited appointment.
- (4) Limited appointees entering UW System from other institutions who do not hold tenure elsewhere and were not recruited with a tenurability requirement shall not be granted concurrent appointments; however, at the discretion of the appointing authority, such

employees may be granted not more than six months notice of termination as permitted under s. UWS 15.01, Wisconsin Administrative Code, at the same salary, and with possible reassignment to other duties during this period.

(5) From and after the date of this resolution, notwithstanding any institutional policies to the contrary, limited appointments shall be permitted only for those positions enumerated in s. 36.17, Wis. Stats., unless an institution demonstrates circumstances justifying the creation of additional limited appointments and the UW System President authorizes, in writing, the addition of such a limited appointment.

The effect of this resolution is to eliminate “back-up” appointments.

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Update on UW System Institutional Budget Reductions for Fiscal Year 2006

Associate Vice President Harris provided an update on how UW institutions are planning to manage the base budget reductions included in 2006 Wisconsin Act 25. Vice Chancellors Tom Sonneleitner of UW-Oshkosh and Andrew Soll of UW-Eau Claire discussed the process for dealing with and the impact of the budget reductions on their campuses. Regent Loftus asked for a written report on each institution’s share of the budget reduction and what actions have been taken to absorb that reduction. That report will be provided at a later date.

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Audit Update

Regent Connolly-Keesler, the Audit Liaison for the Board, stated that a procedure needs to be established for the Committee to follow when audits are requested by members of the Board. She and Audit Director Ron Yates presented a process to be reviewed in greater depth at the December meeting.

Consideration of Audit on Student Segregated Fees

Regent Connolly-Keesler reported that, subsequent to the October Board meeting, a request for an audit of student segregated fees was made through the Audit Liaison.

Regent Loftus stated his concern about the increases in these fees over the past several years.

Two representatives of the United Council of UW Students, David Glisch-Sanchez and Taylor Johnson, along with Nick Cluppert, UW-River Falls Student Body

President, commented on the proposed audit, noting that students should have control over these funds.

Regent Connolly-Keesler requested Director Yates to submit a letter to the Committee outlining the scope of work proposed for the audit for review by the Committee at the December meeting.

In discussion at the Board meeting, Regent Crain noted that UW-Stevens Point faithfully followed a process for student involvement in its University Center project. She asked what would happen to projects in process on campus while the Board discussed the matter. Regent Connolly-Keesler replied that such projects would move forward. Regent Crain commented that any change in policy needs to happen as soon as possible so that needed projects are not delayed.

Regent Salas added that students expressed concern that they only control part of the process. He asked that the audit clarify the ways in which they currently are involved and how they might become more engaged in the future.

Legislative Audit Bureau Audit of University Personnel Policies and Practices

Updating the Committee on the entrance conference held with the Audit Bureau, Regent Connolly-Keesler indicated that the Bureau hoped to move quickly on reviewing the matter of felons on the university payroll, expecting to release a separate letter report on their findings in this area. Meetings have already taken place to provide information to the LAB.

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Annual Sick Leave Report

This report, required by agreement with the Department of Administration Secretary, was presented to the Committee.

Regent Loftus pointed out that non-teaching academic staff used more sick leave than faculty and teaching academic staff. He thought that this matter would likely be a topic of comment in the LAB report.

In discussion at the Board meeting, Regent Loftus noted that faculty and teaching academic staff used 9.7% of their sick leave, while non-teaching academic staff used 30%, reflecting a difference in reporting that the LAB would want to review.

In response to a question by Regent President Walsh as to how sick leave use in the UW compared to other state agencies, Vice President Durcan indicated that UW classified staff used 6.9 days, while other classified staff used 8.2.

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Annual Gifts-In-Kind Report

The Committee received this informational report that is submitted annually to the Joint Committee on Finance and the Secretary of the Department of Administration.

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Annual Broadcast Report

The Committee received the Annual Broadcast Report.

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Utility Conservation and Possible Budget Shortfall

Vice President Durcan briefed the Committee on the status of any potential shortfall in the utilities appropriation. At the time, it appeared that the appropriation might be sufficient to handle anticipated expenditures, although higher than anticipated rates and uncertain demand remained cause for concern.

Regent Pruitt stated that the Board would need to be very concerned about these costs going forward.

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Quarterly Gifts, Grants and Contracts Report

The Committee received this report.

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Annual Trust Funds Public Forum

Regent President Walsh and Regents Axtell, Crain, and Semenas joined the Committee for this forum.

The Regents heard from 26 speakers who asked the Board to be more active in following guidelines on social responsibility. The majority of speakers hoped that the Board would take a more active role in divestiture in the future, especially in firms such as Caterpillar that make equipment used by Israel's military. Others spoke on sweatshop labor and other aspects of proposed divestment.

In discussion at the Board meeting, Regent Bradley noted that letters had been received alleging violation of trust fund policies. Regent Pruitt replied that there was no evidence that policies had been violated.

Regent Loftus stated that he would move to sell stock that the Board held in Phillip Morris. In response to a question by Regent Salas as to the size of the holding, Regent Loftus indicated that it amounted to 5700 shares and a corporate revenue bond.

Regent Spector requested that the investment policy be distributed to the members of the Board.

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Legislative Discussion

Regent President Walsh reported that he and President Reilly had met with Representative Kreibich and intended to continue such meetings with other legislators.

He introduced Char Rodriguez, assistant to Representative David Ward, who was attending the meeting.

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The meeting was recessed at 11:00 a.m. and reconvened at 11:15 a.m., at which time the following resolution, moved by Regent Bradley and seconded by Regent Randall, was adopted on a unanimous roll-call vote, with Regents Walsh, Spector, Smith, Semenas, Salas, Rosenzweig, Randall, Pruitt, McPike, Loftus, Davis, Crain, Connolly-Keesler, Burmaster, Bradley, and Axtell (16) voting in the affirmative. There were no negative votes and no abstentions.

Resolution 9096: Recess into closed session to consider a request to review a UW-Madison disciplinary action, as permitted by s.19.85(1)(b) and s.19.85(1)(f), *Wis. Stats.*, to consider appointment of a UW-Waukesha Dean, as permitted by s. 19.85(1)(c), *Wis. Stats.*, and to confer with legal counsel regarding pending or potential litigation, as permitted by s. 19.85(1)(g), *Wis. Stats.*, and to consider personal histories related to naming a facility at UW-Green Bay, as permitted by s.19.85(1)(f), *Wis. Stats.*

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CLOSED SESSION

The following resolutions were adopted in the Closed Session.

Authorization to Appoint: Dean, UW-Waukesha University of Wisconsin Colleges

Resolution 9097: That, upon recommendation of the Interim Chancellor of the University of Wisconsin Colleges and the President of the University of Wisconsin System, the Interim Chancellor be authorized to appoint Patrick Schmitt as Dean at the University of Wisconsin-

Waukesha, effective January 1, 2006 at an annual salary of \$92,000. and

That, upon recommendation of the Interim Chancellor of the University of Wisconsin Colleges and the President of the University of Wisconsin System, the recommendation of the Department of Communications and Theater Arts to grant tenure to Patrick Schmitt at the level of Associate Professor, be approved.

UW-Green Bay: Authority to make and Exception to Board of Regents Policy 96-1 and Name the Phoenix Sports Center the “Kress Events Center”

Resolution 9098: That, upon the recommendation of the UW-Green Bay Chancellor and the President of the University of Wisconsin System, authority be granted to make an exception to Regent Policy 96-1 and name the Phoenix Sports Center the “Kress Events Center”.

The closed session was adjourned at 12:15 p.m. and the Board reconvened in open session.

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Request for Review of UW-Madison Decision

Regent Davis, Chair of the Personnel Matters Review Committee, reported that the Committee was asked by Regent President Walsh to consider the request of Professor Judith Ladinsky for Regent review of a UW-Madison disciplinary action in her case.

Noting that the person against whom a disciplinary action is taken is entitled by law to have the final action on the matter taken in open session, if he or she so chooses, Regent Davis indicated that Professor Ladinsky had made such a request and that she and her counsel, Attorney Gard Strother, were present at the meeting.

Regent Davis reported that the university took disciplinary action against Professor Ladinsky for repeatedly violating the university’s rules against smoking on university premises. The facts of the matter were set forth in the proposed decision before the Board.

The Chancellor’s decision in this type of matter is final, unless the Board, at its discretion, grants a review based on the record of the matter. Professor Ladinsky requested that the Board conduct such a review.

Regent Bylaws provide that four factors be considered in determining whether a review should be granted:

1. Whether the case involves substantial constitutional claims;
2. Whether there is serious concern that the chancellor had abused his or her discretion or exceeded her or his authority;
3. Whether the decision made at the institutional level could have systemwide implications; or
4. Whether the final institutional decision was based on facts not supported by the record, resulting in material prejudice to the individual seeking review.

After receiving briefs from the parties addressing those factors, the Personnel Matters Review Committee met on October 31, 2005 to consider the matter and make a recommendation to the Board.

After careful consideration, the Committee decided that none of the four factors were present in this case and, therefore, decided unanimously to recommend that the Board not grant the request for review. A discussion of each factor was included in the proposed decision before the Board.

Adoption by the Board of the following resolution was moved by Regent Davis and seconded by Regent Randall:

Request for Review of UW-Madison Decision

Resolution 9099: That the Board of Regents adopts the attached decision in the matter of a request for review of a UW-Madison decision.

With regard to the criterion of system-wide implications, Regent Bradley asked if the policy against smoking is the same on all campuses; and Regent Davis replied that, while each campus has a policy, there are some variations in specific prohibitions. General Counsel Brady added that, system-wide, there are no-smoking policies in effect, except in designated areas.

In response to a question by Regent Walsh, Ms. Brady explained that, while a disability was mentioned in Professor Ladinsky's brief, it was not a factor in the case and was not mentioned in the record established at the institutional level.

Regent Davis commended General Counsel Brady for her excellent advice and well-written decision.

The question was put on Resolution 9099, and it was adopted on a unanimous voice vote.

The meeting was adjourned at 12:30 p.m., upon motion by Regent Bradley, seconded and voted unanimously.

Submitted by:

Judith A. Temby, Secretary

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