

MINUTES OF THE REGULAR MEETING

of the

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

Stevens Point, Wisconsin

UW-Stevens Point
Held in the Dreyfus University Center
Friday, October 3, 2008
9:00 a.m.

- President Bradley presiding -

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October 3, 2008
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- President Bradley presiding -

PRESENT: Regents Jeffrey Bartell, Mark Bradley, Elizabeth Burmaster, Eileen Connolly-Keesler, Judith Crain, Mary Cuene, Danae Davis, Michael Falbo, Kevin Opgenorth, Charles Pruitt, Brent Smith, Michael Spector, Colleene Thomas, José Vásquez, David Walsh, and Betty Womack

UNABLE TO ATTEND: Regents John Drew and Thomas Loftus

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Approval of Minutes of August 21 and 22, 2008 Meetings

Upon motion by Regent Walsh, seconded by Regent Vásquez, the minutes of the August 21 and 22, 2008 meetings of the Board of Regents were approved as distributed.

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REPORT OF THE PRESIDENT OF THE BOARD

Wisconsin Technical College System Board Report

A written report was provided.

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Thanks to UW-Stevens Point

Regent President Bradley began by thanking Chancellor Bunnell, the UW-Stevens Point community and the many students who contributed their time to welcome Regents and other meeting participants.

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Visit to Wisconsin Congressional Delegation

Reporting on the annual trip that he and President Reilly made to visit the Wisconsin Congressional Delegation, Regent President Bradley said that he had been very impressed by the members' knowledge of the UW campuses in their districts.

They shared a letter with each member, signed by Presidents Bradley, Reilly and all the chancellors, urging their support for full funding of the America COMPETES Act, which calls for significant federal investment in research in the physical sciences and engineering.

They also discussed the impact of closing the General Motors plant in Janesville and some campus efforts, especially by UW-Rock County, to alleviate the impacts of this closing.

In their visit with Senator Russ Feingold, they were joined by Chancellor Carlos Santiago for a discussion of the Senator's interest in water issues and the role that might be played, particularly by UW-Milwaukee, in addressing some of those challenges.

In meeting with Congressman David Obey, Regent President Bradley extended to him an invitation to address the Board of Regents, perhaps in November or February, about the direction of higher education in today's society.

These meetings, Regent President Bradley remarked, are as important on the federal level as they are on the state level to maintaining solid and positive relationships needed to move the Growth Agenda for Wisconsin forward.

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Wisconsin Taxpayers' Alliance Report

Regent President Bradley reported that the Wisconsin Taxpayers' Alliance, a nonpartisan state budget watchdog, recently released a study showing that Wisconsin lagged behind all other states except one in providing funding increases for higher education over the last five years.

In response, the *Wisconsin State Journal* ran an editorial that called on the state not to "skimp" on higher education. It went on to say: "Budget constraints demand that Wisconsin control spending. But if the state is to enjoy the growth that generates jobs, boosts incomes and pours revenue into government budgets, it cannot let its support for higher education continue to sag."

Stating that the UW's message has traction among the business community and others, President Reilly noted the thick binder that has been compiled of letters and editorials of support from all over the state for the Growth Agenda.

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November Meeting Agenda

President Bradley reported that the November Board meeting would be a one-day meeting for in-depth discussion of two major issues, without need to take action at that time.

One topic would be the "graying" of the faculty and resulting problems with academic workforce recruitment and retention - - a topic increasingly relevant because over 50% of UW faculty and instructional staff are age 50 and older, which will result in significant numbers of retirements in coming years.

The second subject would relate to professional doctorates and the issue of the comprehensive universities being able to meet student needs by offering such degrees.

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REPORT OF THE PRESIDENT OF THE SYSTEM

Letters to Candidates

President Kevin Reilly reported that letters were being sent to all state legislative candidates to provide them with information about the UW System and about the Growth Agenda for Wisconsin. The letters also directed them to additional information about initiatives in their areas and highlighted the UW System's efforts to be a lean and efficient steward of its resources.

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Update on Growth Agenda Action Steps

Stating his appreciation for the commitment and energy that faculty, staff, and students from around the System have been contributing to turn these ideas into reality, President Reilly introduced Senior Vice President Rebecca Martin to provide an update.

#8: Expand UW-Madison Connections Program

Announcing that this step has been completed successfully, Vice President Martin invited Regent Davis, chair of the Education Committee, to make remarks regarding the presentation made to the committee the preceding day.

Noting that UW-Madison is not able to accommodate all of the academically strong students who apply for admission, Regent Davis indicated that the UW-Madison

Connections program was developed to alleviate pressures on freshman enrollment by creating a dual-admission program between that campus and partner institutions.

Through the program, selected UW-Madison freshman applicants who are Wisconsin residents are offered participation in the Connections program as an alternative to freshman enrollment on the UW- Madison campus. These applicants are academically qualified for UW-Madison admission, but cannot be admitted directly because of space limitations on the size of the freshman class.

The program was piloted in 2001, in partnership with four UW Colleges. Over time, it was expanded to include all 13 UW Colleges, three Wisconsin Technical Colleges, and the College of the Menominee Nation. The program then was expanded further to include any of the UW comprehensive institutions that wish to participate; and, beginning this fall, UW-Green Bay will join the program. Four additional comprehensive campuses planned to participate in fall 2009: UW-Parkside, UW-River Falls, UW-Stevens Point, and UW-Stout.

The Connections program, Regent Davis remarked, is a promising way to ensure that Wisconsin will enroll more of its best students and graduate them with baccalaureate degrees, as well as enhance access to the sought-after Madison campus.

#10: New Wisconsin Idea Public Policy Forums

Senior Vice President Martin reported that framing for this initiative and the larger core strategy of Stronger Communities occurred at a recent Wingspread Conference sponsored by UW Colleges and UW-Extension, titled “Rethinking the Civic Mission of Public Higher Education in Wisconsin”.

David Wilson, Chancellor of the UW Colleges and UW-Extension, reported that 40 state leaders – regents, legislators, UW chancellors, leaders of the Technical Colleges and independent colleges and universities, and corporate CEO’s - engaged in extensive dialogue on renewing the Wisconsin Idea, with the product to serve as a national model on civic engagement. A report, to be published by Wingspread, will be presented to President Reilly and then to the Board of Regents.

Dr. Martin indicated that public policy forums will grow out of this beginning, with the first ones to be at UW-Eau Claire, UW-Madison and the UW Colleges/UW-Extension.

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Higher Education Day

Reporting on plans for Higher Education Day on October 7th, President Reilly indicated that the day provides an opportunity for educational institutions to assist Wisconsin students in focusing on how to reach their goals. It is the third year that the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Superintendent of Public Instruction, and higher education institutions have collaborated in this important celebration.

Higher Education Day, the President remarked, is an additional tool to continue the important work of spreading the word throughout communities across Wisconsin about the value of a college education – a key message in the Growth Agenda for Wisconsin. In past years, UW's involvement included opportunities for students, families, and state leaders to visit campuses and open houses held by financial aid offices to help people better understand that complex topic.

This year, the UW would have an even larger role. For the first time, the KnowHow2GO campaign would participate, partnering with EdVest, the state's college savings program, to present a video contest for Wisconsin students in grades 7 through 10. The students would create videos dramatizing one of the four KnowHow2GO to college steps: 1) Be a pain and let everyone know of your intention to go to college; 2) push yourself; 3) find the right fit; and 4) get your hands on some cash. Contest winners would receive EdVest scholarships.

The UW also joined with Higher Education Day partners to produce a power-point presentation about higher education opportunities in Wisconsin that could be used by school guidance counselors across the state to provide students and families with information on Wisconsin's post-secondary institutions, along with an overview of what students need to do to succeed in achieving their college dreams. The presentation would be available year-round on the Treasurer's Higher Education Day website.

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Introductions

Christine Quinn, Provost and Vice Chancellor, UW-Extension

President Reilly welcomed Provost Quinn, who came to Wisconsin from Minnesota, where she served as Associate Vice President for Academic Affairs at Winona State University. She earned her undergraduate and master's degrees in Education and Vocational Rehabilitation from UW-Madison and her Ph.D from the University of Minnesota. She has more than 20 years of experience in higher education, including several years as a faculty member and department chair at UW-Stout.

Stephen H. Kolison, Jr., Associate Vice President for Academic and Faculty Programs, UW System Administration

President Reilly introduced Stephen Kolison, who had recently assumed the position of Associate Vice President following the retirement of Ron Singer. With more than 17 years of experience as a faculty member and administrator, Dr. Kolison most recently served as Dean and Research Director for the Institute of Agricultural and Environmental Research at Tennessee State University. He earned his doctorate in Forest Economics from Iowa State University, having completed his undergraduate degree at the University of Liberia. His new role is to provide leadership and support in planning, development, and review of academic and research efforts in the UW System.

Walter Zakahi, American Council on Education (ACE) Leadership Fellow

Introducing Walter Zakahi, President Reilly noted that the ACE fellowship is recognized as one of the most respected in the country. Dr. Zakahi, who is Associate Dean of Arts and Sciences at New Mexico State University, would spend his time in UW System Administration studying the operation of higher education systems and working in the area of diversity.

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Reports on UW System Chancellor Search and Selection Process

President Reilly recalled that on July 1, 2008, shortly after the failed search for a new Chancellor of UW-Parkside, he had announced that the UW System would undertake a detailed review of the procedures used to recruit, screen, and select chancellor candidates. The results would be used to improve the process.

To lead the review, the UW System engaged Dr. Stephen R. Portch, Chancellor Emeritus of the University System of Georgia. Dr. Portch served for 18 years in the UW System in positions that included Senior Vice President for Academic Affairs, Chancellor of the UW Colleges and Professor of English. He has had extensive experience in managing high-level academic searches in Georgia and elsewhere around the country.

Indicating that Dr. Portch had completed his review, President Reilly summarized the report's recommendations for Regent reaction and advice. With regard to reference checking, Dr. Portch suggested that the System President and/or members of the Board visit the home campus of lead candidates to conduct scheduled or unscheduled interviews. On one hand, the President remarked, doing so could provide deeper insights than could be obtained from telephone interviews. On the other hand, there would be significant cost in terms of both time and money; and some qualified candidates, including sitting chancellors and presidents, could be discouraged from applying by the prospect of this kind of intensive scrutiny. For example, visits to one candidate's institution might prompt others to withdraw, rather than risk being perceived as a second choice.

With regard to responsibilities of the external search consultant, Dr. Portch recommended consistent involvement during the final phases of the selection process, as has been done in some past searches, to ensure that UW leaders benefit fully from this outside advice. Information gaps would be closed by more clearly identifying which reference checks are to be performed by the campus search and screen committee, the external consultant, and the UW System President and how that information is to be shared with others.

Dr. Portch also suggested that the external consultant be selected jointly by the chair of the Special Regent Committee, the UW System President, and the faculty chair of the institutional search and screen committee. Stating that this recommendation would be implemented, President Reilly said that, along with more explicit written guidelines concerning the consultant's responsibilities, the joint selection process would clarify lines of communication and accountability, helping to ensure that information is shared appropriately with all key decision makers.

Another suggestion by Dr. Portch was to consider a blended search committee that would combine membership from the currently separate campus and Regent committees. In that regard, President Reilly noted that Regent policy provides for the System President to appoint an institutional search and screen committee with majority faculty membership and that addition of Regent membership could cause the committee to become quite large. He also pointed out that Regent involvement in the recruitment and screening phases would require a significantly greater time commitment from Board members than serving on special Regent committees to review the finalists.

Finally, Dr. Portch suggested creating a “relatively high level position in the President’s office to oversee all chancellor searches”, as has been done by some other universities, or to employ a second consultant as an “owner’s representative” in the process. President Reilly’s reaction was to doubt that the cost of such a position could be justified. However, he did want to explore additional ways to gain more hands-on oversight and information exchange throughout the process.

In conclusion, he noted Chancellor Portch’s assessment that: “The UW System policies and procedures are sound, thorough, and specific. However, the changing search environment suggests some revisions may be helpful and timely.”

In discussion following the President’s remarks, Regent Davis inquired about the rationale for a blended committee, to which President Reilly replied that the purpose would be to have all perspectives, including those of Regents, at the table from the beginning and throughout the process. Regent Davis noted that this also is the intent of the charging meeting that is held at the beginning of the search.

Regent Falbo did not believe that the current level of Regent participation gives the Board enough background information to make a well-informed decision.

Regent Crain thought that the large size of a blended committee would be a problem, and President Reilly raised the question of whether the blended committee would make recommendations to a special Regent committee or to the full Board.

Remarking that, over the years, the UW has had great success in hiring excellent chancellors, Regent Connolly-Keesler suggested that Regents might attend campus visits by candidates, rather than serving on the search committee, and could also participate in reference checking.

President Reilly agreed that attending campus visits might be helpful and added that, given Dr. Portch’s advice not to move too quickly through the final stages of the process, it would be possible to arrange for more Regent involvement in interviewing references. However, he cautioned that it is possible to lose candidates to other searches if too much time is taken.

Agreeing that the process should not be rushed and should be better controlled, Regent Vasquez did not support creation of a blended search committee. In that regard, he thought it healthy for the faculty, staff and other members to analyze candidates from their perspective, rather than adding Regent perspectives at that time.

President Reilly added that it is necessary to align hiring recommendations with Regent meeting dates; otherwise, special Board or Executive Committee meetings would be needed.

Regent Falbo felt that all involved should have better knowledge of their responsibilities. If blended search committees were not formed, he suggested that it be a responsibility of the Special Regent Committee to attend some of the campus visits and become better informed about the candidates. He urged further consideration of employing a professional representative, internally or on-call. The value that such a professional could bring to the process, he felt, should be viewed as a saving, rather than a cost. Finally, he said that he would like to see UW provosts apply for chancellorships at other UW institutions. He understood, however, that the process might inhibit doing that successfully.

President Reilly indicated that search firms can be more effectively used and their responsibilities can be better formalized.

Regent Vásquez agreed with Regent Connolly-Keesler's idea and suggested that attending campus presentations be made a requirement for special Regent committee members. He suggested periodic auditing to make sure that searches are going well, rather than close oversight on a daily basis.

Regent Smith remarked that, while some fine-tuning would be helpful, the search and selection process generally has worked very well. In his experience, interviews with finalists are only part of the decision-making process. Other elements involve what the campus search committee has done and campus views about the candidates, as well as results of internet searches and reference interviews. Regent committee members, therefore, have a great deal of information available when the time comes to make a decision.

Regent Crain agreed with the idea of Regent committee members attending candidate forums on campus, not as participants, but as observers, although she did not think that all members should be required to attend all sessions. Noting that there were two searches currently under way, she asked that any changes to the process be made promptly.

Regent Spector commented that telephone calls could not be as informative as talking in person to people in person. He hoped that option would be kept available for use if needed. President Reilly agreed that it might be helpful in certain circumstances.

UW-Milwaukee Chancellor Carlos Santiago remarked that, in order to encourage sitting presidents to become candidates, public universities increasingly are discontinuing open campus visits by finalists. Instead, the board meets with a number of top candidates and announces the choice of one finalist who then is presented to the campus.

UW-Stevens Point Chancellor Linda Bunnell recalled that, when she served as Vice Chancellor for Academic Affairs in the Minnesota system, she chaired all of the chancellor search committees as the representative of the board. In that capacity, she advised the board about the strengths and weaknesses of the candidates.

UW-La Crosse Chancellor Joe Gow observed that allowing the campus to take the lead in the search lends a sense of legitimacy to the process that might be lacking if only

one finalist were presented. While he would not change a process that has worked well because of one unusual case, he felt that better training of the campus search committee would be helpful.

UW-Oshkosh Chancellor Rick Wells remarked that the position of chancellor or president is unique and not well understood by members of search committees. He suggested adding chancellors to the committees as non-voting members.

Noting that he had participated in 24 such searches, UW-Green Bay Interim Chancellor David J. Ward agreed that the UW System's process has worked well overall. He pointed out, however, that chancellorships today are less attractive than they once were, resulting in more reliance on consultants to recruit candidates. He suggested that a standard be set for limiting the number of searches in which a consultant could be involved.

Noting the many talented leaders already serving in the UW System, Regent Davis suggested that they be encouraged to apply for chancellorships at other UW institutions.

UW-Parkside Interim Chancellor Lane Earns pointed out that many UW provosts had, over time, gone to chancellor or president positions in other states. The problem, he felt, is the perception that a provost of another UW institution would bring the philosophy of that campus and would not understand the local environment. Therefore, such candidates tend to be unfairly eliminated early in the competition.

While provosts have been encouraged to apply, President Reilly asked Senior Vice President Martin to discuss the matter with them again. He also thought the charge to the campus search committees could include the benefits of considering such candidates, who generally are more knowledgeable about the institution than candidates from other states.

UW-Extension and UW Colleges Chancellor David Wilson added that he, too, had been struck by the number of UW campus leaders, including UW College deans, who go to other states and their absence from Wisconsin searches. The in-state talent pool, he said, should not be overlooked and might contribute to longer tenure among chancellors.

Regent Vásquez suggested that the Regent committee could send a message encouraging UW leaders to apply. Chancellors could help to reassure the campus search committees that such candidates, if chosen, would not try to replicate their former institutions.

Regent Pruitt added that nontraditional candidates, as well as internal candidates, should be encouraged to apply.

Agreeing that the current process has worked well, Regent Walsh observed that public transparency makes it more difficult to assemble a pool of well-qualified candidates, resulting in more reliance on consultants. He suggested more careful vetting of possible consultants, including discussions with schools they recently served. With respect to vetting of candidates, he commented that there is no substitute for due diligence and that face-to-face interviews are important. Steps should be taken, he said, to improve and expand the pool and more time should be taken at the end of the process for due diligence.

UW-Parkside Interim Provost Jerry Greenfield agreed that campus search and screen committees should be better educated about the position of chancellor, about consideration of candidates from other UW institutions, and about the role and responsibility of members of the committee. He noted that external candidates sometimes do not apply if it is known that there is a strong internal candidate.

President Reilly added that it not only is important to choose the right search firm, but to choose the right consultant within that firm.

On the basis of the foregoing discussion, he intended to:

- Make the suggested changes to the search guidelines
- Schedule a telephone call with the chairs of the UW-River Falls and UW-Green Bay committees
- Restart the UW-Parkside search
- Consult with Regent leadership about the larger recommendations that were discussed and provide the Board with his thoughts on those matters.

Thanking all for the discussion, Regent President Bradley noted that hiring of Chancellors is among the most important of the Board's duties. He also expressed appreciation to Stephen Portch for his thoughtful review.

Regent Spector asked if Erroll Davis, the current Chancellor of the University System of Georgia and former UW System Regent, might be invited to speak to the Board. Noting that he and Mr. Davis are both active members of the National Association of System Heads, President Reilly indicated that Mr. Davis might be invited in conjunction with presentation of diversity awards that he endowed.

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UW-Eau Claire Marching Band Performs at Lambeau Field

President Reilly reported that the 230-member Blugold Marching Band performed for 71,000 fans at Lambeau Field for the Green Bay Packers' season-opener against the Minnesota Vikings – the second time they had that honor. The band is the largest marching band of any NCAA Division III institution.

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Malcolm Brett Elected to Public Broadcasting Service National Board of Directors

President Reilly congratulated Malcolm Brett, Director of Broadcasting and Media Innovations at UW-Extension, on having been elected to the Public Broadcasting Service National Board of Directors.

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UW-Parkside Student Voting Initiative

It was reported by President Reilly that UW-Parkside's student government had recently launched its "Voter Initiative: Parkside" project. Efforts include speeches by local leaders and transportation for voters to the clerk's office to cast ballots.

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Increase in International Students

Noting that an objective of the Growth Agenda is to increase access and encourage diversity in the student population, President Reilly reported that several campuses have experienced growing numbers of international students. For example, UW-Whitewater was welcoming its largest ever international population – 150 students – coming from across the world, including Afghanistan, Saudi Arabia, the Philippines, and the United Kingdom.

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UW-Oshkosh Becomes Fair Trade University

Reporting that UW-Oshkosh recently became the first university in the United States to be designated a Fair Trade University, President Reilly noted that the intent of the fair trade movement is to support production that offers farmers and artisans a living wage and humane working conditions, while also protecting the environment. About 70 universities in Europe have Fair Trade University status.

To become a Fair Trade University, UW-Oshkosh's four governing bodies endorsed a resolution that among its provisions called for selling fair-trade certified coffee, tea, and chocolate in university dining establishments whenever feasible; offering fair-trade certified food products and handicrafts at university stores, and encouraging students, faculty and staff to purchase these items. The program will be overseen by the new Campus Sustainability Council.

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UW-Richland Partnership with Frank Lloyd Wright School of Architecture

President Reilly reported a new educational alliance between UW-Richland and the Frank Lloyd Wright School of Architecture in Spring Green. Under the agreement, students who spend their freshman and sophomore years at UW-Richland and earn their Associate of Arts and Science Degrees can apply to the Frank Lloyd Wright School of Architecture as juniors and earn Bachelor of Architectural Studies Degrees.

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Wisconsin Transfer Equity and Accountability Study

It was reported by President Reilly that the UW System is participating in a new study on how to increase the number of minority students who transfer into bachelor's

degree programs – an objective that promotes the Growth Agenda for Wisconsin. The study, a collaboration between the UW, the Wisconsin Technical College System (WTCS), and the University of Southern California Center for Urban Education, has been funded by the Ford Foundation in the amount of \$535,000.

Goals include increased access for racial and ethnic minorities to the UW Colleges and then transfer of those students from the UW Colleges and the WTCS to four-year institutions. Teams of faculty, staff, and administrators will inquire into transfer policies and practices with a focus on how to achieve parity in successful transfer outcomes across racial and ethnic groups.

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Professor Richard Masters' Design Selected for New U.S. Penny

President Reilly congratulated UW-Oshkosh Art Professor Richard Masters, whose design featuring Abraham Lincoln's log cabin had been selected as one of four designs for the new U.S. penny. The coins will be released into circulation on Lincoln's 200th birthday – February 12, 2009.

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REPORT OF THE BUSINESS, FINANCE, AND AUDIT COMMITTEE

Regent Smith, chair, presented the committee's report

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UW-Stevens Point Presentation: Leading From the Center to Create a Safe Campus

The committee heard a presentation on actions that UW-Stevens Point has taken to ensure a safe campus, including hiring of additional police officers and counselors, arming of police officers, communication system upgrades, and educational sessions for faculty. The university also planned to coordinate emergency notification with surrounding neighborhoods.

The committee was impressed with the progress made by UW-Stevens Point in implementing the recommendations of the President's Campus Security Commission and looked forward to a status report from other campuses on their progress.

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Trust Funds

2008 Proxy Season Voting Results

The committee heard a report on 2008 results proxy voting of shareholder proposals, as addressed in Regent policy. In 2007, categories that received support included: expand or report on fair employment policies; disclose and monitor political contributions; report on sustainability; and track and reduce greenhouse gas emissions.

Acceptance of Bequests over \$50,000

The committee approved for inclusion in the consent agenda a resolution to accept eight bequests, with a total value of \$2.8 million, primarily benefitting UW-Madison.

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Committee Business

Approval of 2009-11 Biennial Budget Performance Measures

The committee approved, for inclusion in the consent agenda, goals and targets for 2009-11 biennial budget performance measures, including targeted enrollment growth of more than 4,000 FTE over fall 2007 enrollments, a retention rate of 82%, an overall System graduation rate of 65%, and continuing to increase the UW's contributions to the Wisconsin economy each year.

Roles and Responsibilities of the Business, Finance, and Audit Committee

Primary responsibilities typically assumed by Business, Finance, and Audit committees in higher education were discussed. These include establishing financial controls and managing risk, managing an open budget process, developing tuition policies and rates, connecting capital project planning and debt financing decisions, and ensuring that an active and transparent audit process is in place.

The committee discussed a memo by Tom Anderes, Senior Vice President for Administration and Fiscal Affairs, and considered several reporting options and the Board's need for financial information to ensure that institutions are meeting their goals.

4th Quarter Gifts, Grants, and Contracts

Vice President Debbie Durcan reported to the committee that total gift, grant and contract awards for the fiscal year ending June 30, 2008 were \$1.2 billion, a decrease of \$83.2 million from the previous year. Federal awards decreased \$47.5 million, while non-federal awards decreased \$35.7 million. The decreases in federal research awards were due primarily to timing issues. Gift funding for the Microbial Sciences Building at UW-Madison in the preceding year accounted for the decline in non-federal awards in 2007-08.

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Report of the Vice President

Vice President Durcan updated the committee on recently submitted reports required by statute, including the Auxiliary Reserves Report, Using Continuing Appropriation Authority to Serve Adult Students, and Base Salary Adjustments to Recognize Competitive Factors.

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Consent Agenda

Adoption by the Board of Resolutions 9549 and 9550 as consent agenda items was moved by Regent Smith, seconded by Regent Davis, and carried on a unanimous voice vote.

UW System Trust Funds Acceptance of Bequests

Resolution 9549: That, upon the recommendation of the Chancellors of the benefiting University of Wisconsin institutions and the President of the University of Wisconsin System, the bequests detailed on the attached list be accepted for the purposes designated by the donors, or where unrestricted by the donors, by the benefiting institution, and that the Trust Officer or Assistant Trust Officers be authorized to sign receipts and do all things necessary to effect the transfers for the benefit of the University of Wisconsin.

Let it be herewith further resolved, that the Chancellors of the benefiting University of Wisconsin institutions, the Deans and Chairs of the benefiting Colleges and Departments, the President, and the Board of Regents of the University of Wisconsin System, express their sincere thanks and appreciation to the donors and their families for their generosity and their devotion to the values and ideals represented by the University of Wisconsin System. These gifts will be used to sustain and further the quality and scholarship of the University and its students.

UW System 2009-11 Biennial Budget Performance Measures

Resolution 9550: That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents approves the specified goals and respective targets for the 2009-11 Biennial Budget Performance Measures.

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REPORT OF THE CAPITAL PLANNING AND BUDGET COMMITTEE

Regent Bartell, chair, presented the committee's report.

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UW-Stevens Point: Authority to Adjust Budget of Waste Management Center

The committee approved for inclusion in the consent agenda a request to adjust the budget of the UW-Stevens Point waste management center project to a total of \$4.4 million. The facility, the first of its kind built at a university or technical college in Wisconsin, would feature a pilot wastewater treatment plant, a composting lab, a microbiology lab, and an adjoining recycling center that would offer training opportunities in materials recycling.

Originally enumerated at \$2.5 million in the 2005-07 budget, it became clear early in the process that it would not be feasible to construct the facility as a pre-engineered metal building, as initially directed. The budget increase was caused by inflation and the need to reprogram to a design more suitable to the facility's purpose.

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UW-Stout: Approval of Design Report and Authority to Adjust Project Budget and Construct Hovlid Hall Renovation and Addition Project

The committee approved for inclusion in the consent agenda a resolution granting authority to increase the project budget and construct the Hovlid Hall renovation and addition project, which would renovate space in this north campus building, constructed in 1960, to provide modern double occupancy resident rooms, expanded restrooms, modern kitchen and lounge areas, and food service facilities. The budget increase would be needed because of construction inflation and an increase in the scope of the project to include a larger food service component.

The \$12.4 million project was originally enumerated at \$8 million in the 2005-07 budget. It was noted that flaws in the state capital budget planning process and timing would continue to cause the need for budget increases until the process is reformed.

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UW System: Authority to Construct All Agency Maintenance and Repair Projects

The committee adopted for inclusion in the consent agenda a resolution approving construction of seven minor projects under the all agency maintenance fund program, including the UW-Madison Walnut Street Heating Plant chiller replacement project that

would replace two steam driven chillers with two new electric chillers and increase the chilled water capacity of the plant substantially. The debt serve would be paid from annual energy cost savings from the fuel and utilities appropriation, with an expected payback of less than seven years.

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UW-Whitewater: Authority to Construct Softball Bleachers Portion of Multi-sport Phase III Project

The committee approved for inclusion in the consent agenda a resolution granting authority to construct the softball bleachers portion of the multi-sport phase III project. The campus requested construction of this portion of the larger project so that the bleachers would be in place by spring of 2009. It would be funded by \$3.5 million in program revenue supported borrowing and gift funds.

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Consent Agenda

Adoption by the Board of the following resolutions as consent agenda items was moved by Regent Bartell, seconded by Regent Vasquez and carried on a unanimous voice vote.

Authority to Adjust the Budget for the Waste Management Center project, UW-Stevens Point

Resolution 9551: That, upon the recommendation of the UW-Stevens Point Chancellor and the President of the University of Wisconsin System, authority be granted to adjust the budget for the Waste Management Center project by an increase of \$2,655,000 General Fund Supported Borrowing–UW Infrastructure, for a total estimated project cost of \$4,444,000 (\$1,789,000 General Fund Supported Borrowing and \$2,655,000 General Fund Supported Borrowing-UW Infrastructure).

Approval of the Design Report and Authority to Adjust the Project Budget and Construct the Hovlid Hall Renovation and Addition Project, UW-Stout

Resolution 9552: That, upon the recommendation of the of the UW-Stout Chancellor and the President of the University of Wisconsin System, the Design Report be approved and authority be granted to (a) increase the budget by \$3,830,000 (\$1,580,000 Residual Program Revenue Supported Borrowing, and \$2,250,000 Program Revenue-Cash), and (b) construct the Hovlid Hall

Renovation and Addition project at an estimated total project cost of \$12,400,000 (\$8,570,000 Program Revenue Supported Borrowing, \$1,580,000 Residual Program Revenue Supported Borrowing, and \$2,250,000 Program Revenue-Cash).

Authority to Construct All Agency Maintenance and Repair Projects, UW System

Resolution 9553: That, upon the recommendation of the of the President of the University of Wisconsin System, authority be granted to Authority to construct various maintenance and repair projects at an estimated total cost of \$14,637,000 (\$896,000 General Fund Supported Borrowing; \$350,000 Agency Funds; \$11,748,000 Program Revenue Supported Borrowing; \$530,000 Program Revenue Cash; and \$1,113,000 Gift and Grant Funds).

Authority to Construct the Softball Bleachers Portion of the Multi-Sport Phase III Project, UW-Whitewater

Resolution 9554: That, upon the recommendation of the of the UW-Whitewater Chancellor and the President of the University of Wisconsin System, authority be granted to revise the funding for the Multi-Sport Phase III project by an increase of \$172,000 Program Revenue Supported Borrowing and a decrease of \$172,000 Gifts Funds and construct the bleacher portion of the project for \$172,000 Program Revenue Supported Borrowing. The total project cost is revised to \$3,474,000 (\$172,000 Program Revenue Supported Borrowing and \$3,302,000 Gift Funds).

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UW System: Six Year Physical Development Plan

Associate Vice President David Miller presented the six-year plan that represented the 2009-15 capital budget priorities for the 15 UW institutions for the next three biennia. The purpose of this comprehensive planning document was to allow the UW institutions, Board of Regents, Department of Administration, Legislature and other policy makers to better understand and manage facility needs. The plan would remain flexible to accommodate changing needs.

The plan provided considerable detail about projects requested for funding in 2009-11 and less for projects to be funded in later years. It also identified several

complex projects for pre-design and advance enumeration in order to achieve a well-developed building program, conceptual layout, schedule and budget.

It was requested that copies of the plan be provided to all Regents.

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UW Colleges: Annual Report of City and County Financial Support

UW Colleges and UW-Extension Vice Chancellor Steve Wildeck reported to the committee that counties and local municipalities contribute about \$7.9 million annually for financial support of the UW Colleges, furnishing the facilities for the colleges, which have an ensured value of \$32 million.

The committee expressed appreciation for this very important partnership and for the generous contributions of local entities.

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Report of the Associate Vice President

Building Commission Actions

Associate Vice President Miller reported that the Building Commission approved about \$71 million for projects at its September meeting.

Streamlining Capital Planning Process

Reporting on efforts to improve the capital planning process, Mr. Miller discussed construction project delivery methods, including whether the state hires a single prime contractor, a construction manager at risk, or multi-prime contractors. It was indicated that most in the private sector use a single prime contractor and that use of multi-prime contractors is not considered cost effective. Some progress has been made in this area.

Another area involves scope and budget uncertainty resulting from an 8-10 year timeframe for projects. By the time the project reaches the bidding stage, costs have changed substantially; and it therefore is necessary to make large adjustments. It was hoped that there would be recommendations for improvements in this area.

In discussion at the Board meeting, Regent Spector inquired about selection of architects; and Associate Vice President Miller explained that selection is done by a seven-member committee – five from the Division of State Facilities and two from the university. Decisions are criteria based, but subjective, with use of a point system and preference for Wisconsin architects.

Noting that campus buildings mean a great deal to alumni and other supporters, Regent Spector suggested that money might be raised in order to give the buildings a more distinctive appearance without costing more taxpayer dollars.

Regent Connolly-Keesler added that endowments should be created to maintain new buildings so that they do not deteriorate and cause a situation that would disappoint donors.

UW-Platteville Chancellor David Markee added that campuses do a good job of maintaining such buildings, but must reallocate and cut elsewhere in order to do so. With gift-funded facilities, he added, there is more flexibility in architect selection and building materials.

Regent Vásquez reported that his experience in the non-profit sector had been that donors are willing to give money to construct a building, but not for maintenance.

Regent Connolly-Keesler said that an endowment for maintenance should be made part of the fund-raising campaign, with the understanding that it is for future protection of the investment.

UW-Oshkosh Chancellor Rick Wells indicated that it is more difficult for the comprehensive universities to raise money for construction or an endowment than it is for an institution like UW-Madison. With regard to selection of architects, he noted that the university has a minority of votes on the committee and that other members often are concerned about whether a new building will “fit in” with existing facilities – many of them from the 1960’s building boom when little attention was paid to interesting architecture.

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REPORT OF THE EDUCATION COMMITTEE

Regent Davis presented the committee’s report.

UW-Stevens Point – Leading from the Center: Academic Programs to Advantage Central Wisconsin

Provost Mark Nook spoke to the committee about the five academic programming areas on which the campus will focus as it develops its Growth Agenda and Vision 2015. They include:

- The Wisconsin Institute for Sustainable Technology
- The Health Sciences
- Business and Economics
- New Media Development
- International programs

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Revisions to Wisconsin Administrative Code Chapters UWS 17 and 18

Jane Radue, Assistant Director of the Office of Operations Review and Audit, and Chair of the Review Committee, provided an overview of the report and its key recommendations for amending the Chapters UWS 17 and 18. She identified the following steps in the administrative rulemaking process:

- The UW System reviews the rules and proposes changes.
- Recommended revisions are submitted to the Legislative Council Rules Clearinghouse for review
- The Board will conduct a public hearing, following which the proposed rules may be revised.
- The draft rules are then submitted to the Legislature for review and hearings, as needed.
- The goal is to have the revised rules promulgated and in effect at all UW institutions by fall 2009.

The Chapter 17 revisions sought to clarify, streamline, and improve the efficiency of the rules' format, scope, educational sanctions, hearing process, and emergency suspension process.

The Chapter 18 revisions sought to improve organization, update language and areas of conduct, and comport with new laws.

The committee had a long and complex discussion of the proposed revisions, during which many points of view were examined.

Regent Thomas expressed a number of well thought-out concerns that she raised on behalf of students throughout the system with whom she spoke. The Review Committee addressed many of those matters on a point by point basis.

Regent Opgenorth asked that Chapter 18 be further amended to include enabling language for chancellors to enact campus-wide smoking bans and to impose fines for violations. The UW-Platteville student government recently passed a non-binding resolution to make the campus smoke free. It was discovered afterwards, however, that state statutes do not permit imposition of a fine for this purpose.

After extensive discussion and guidance from General Counsel Pat Brady, as well as Review Committee members, the committee decided not to further amend the rules at this time because of state statute limitations on regulating outdoor air, as well as the cumbersome process for amending the Administrative Code. It became clear that adding other amendments would require further vetting, slow down the approval process, and prohibit promulgation by fall 2009.

Regent Davis stated the committee's appreciation to Regent Opgenorth for raising the issue and assured him that an appropriate process would be determined for moving forward.

Regent Loftus took issue with the proposal to allow disciplining of certain student behaviors if they impacted a “substantial university interest,” on the basis that such a provision is ambiguous and could be misused. The Review Committee explained that the intent was for the term to have flexibility for each campus.

Regent Spector suggested an amendment to delete Section H from Section 17.10, so as to remove appeals of student suspensions from programs or majors from discretionary review by the Board of Regents; and the Education Committee approved that amendment. It would remain possible to review suspensions or expulsions from the university.

On behalf of the Education Committee, Regent Davis commended the Review Committee for its fine work in balancing the rights of students with the need to ensure safety and adherence to the characteristics of the different UW campuses. In particular, she acknowledged the work of Jane Radue, Anne Bilder, Dale Burke, and Jan Shepard.

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

Revisions to Wisconsin Administrative Code Chapters UWS 17 & 18

Resolution 9555: That, upon the recommendation of the President of the University of Wisconsin System, the Secretary of the Board of Regents and staff transmit the attached draft rules amending Chapters 17 and 18, Wisconsin Administrative Code, to the Legislative Council for review, pursuant to ch. 227, Wisconsin Statutes.

Regent Opgenorth considered permissive language regarding a smoking ban to be important given the health issue of second-hand smoke. He noted that campuses would be allowed, but not required, to pursue such policies.

In response to a question by Regent Bartell, General Counsel Brady explained that, under state statutes, campuses do not have authority to impose fines for smoking outside, because state law deals with indoor, but not outdoor, air. Chancellors, however, would be free to encourage non-smoking in outdoor, as well as indoor, areas.

Chancellor Markee thought that, even without imposing fines, there would be progress toward compliance on a voluntary basis.

Regent Bartell agreed with the suggestion made by Regent Crain at the Education Committee meeting that a committee be formed to look at the issue as review of the draft rule revisions goes forward.

The question was put on Resolution 9555, and it was adopted on a unanimous voice vote.

Report of the Senior Vice President

Update on Waukesha County Educational Needs

Senior Vice President Martin recalled that in June a report had been received from the Waukesha Higher Education Coalition, which was formed to bring together business, county, and public higher education partners in the region. Included in the coalition was the Waukesha County Action Network (WCAN), which had been pressing for several years to increase baccalaureate and graduate degree offerings and to enhance workforce development in Waukesha County. The report described ways in which coalition members have worked together and issued a set of recommendations.

In July, President Reilly, Chancellor Wilson, and Associate Vice President Singer met with WCAN Board representatives Margaret Farrow, Jose Delgado, and Bronson Haase. A next step would be to pursue bringing the UW-Platteville engineering program to UW-Waukesha. In that regard, WCAN would bring CEOs of engineering firms to the table to discuss local resources, needs, and commitments.

Plan 2008 and Inclusive Excellence Timeline

Senior Vice President Martin reported the following:

- The Board would hear the final report on Plan 2008 at its one-day meeting in March 2009.
- Ten UW institutions are now participating in the Equity Scorecard project, which is producing excellent work and data that institutions can use to help underserved students.
- Last spring, the UW System made its first round of grants through a new program called “Closing the Achievement Gap”. The goal is to develop and support programs that are effective in promoting institutional change to foster access and excellence for historically underrepresented populations. A total of \$300,000 was awarded in 2008-09 for a variety of projects.
- A report on the Climate Study would be made at the December meeting.

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Consent Agenda

Upon motion by Regent Davis, seconded by Regent Crain, the following resolution was adopted by the Board as a consent agenda item on a unanimous voice vote.

Wisconsin Partnership Program UW School of Medicine and Public Health Oversight and Advisory Committee Reappointments

Resolution 9556: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of

the University of Wisconsin System, the Board of Regents approves the reappointments of Philip Farrell, David Kindig, and Gregory Nycz to the UW School of Medicine and Public Health Oversight and Advisory Committee for four-year terms beginning November 1, 2008 through October 31, 2012.

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ADDITIONAL RESOLUTIONS

Regent Burmaster presented the following resolution, which was adopted by acclamation with a standing ovation of appreciation to UW-Stevens Point.

Resolution of Appreciation: UW-Stevens Point

Resolution 9557: **WHEREAS**, the Board of Regents of the University of Wisconsin System recognizes UW-Stevens Point’s leadership in the *Growth Agenda for Wisconsin*, commending its “Leading from the Center” initiative to increase the number of graduates and improve the home-grown business and industry environment of Central Wisconsin; and

WHEREAS, Chancellor Linda Bunnell is marshaling the resources of the university to help meet the needs of Central Wisconsin through increased applied research activities in such critical areas as biofuel, aquaculture, nano-technology, and geographic information systems, while encouraging students to become engaged global citizens; and

WHEREAS, UW-Stevens Point’s presentations highlighted exciting new academic programs supporting the institution’s mission and economic development, including the new Health Sciences Program, which has student demand five times higher than initial expectations; and

WHEREAS, the Regents appreciated learning more about UW-Stevens Point’s participation in the Voluntary System of Accountability, a nationwide effort to offer comparable university data to students

and the public, and to measure enhanced student learning; and

WHEREAS, the Regents were refreshed by a brisk morning tour of the campus's beautiful 275-acre nature reserve, alight with fall color, and enjoyed world-class entertainment sponsored by the campus partnership with Sentry Insurance to promote the arts, which has inspired talented young people throughout the region; and

WHEREAS, UW-Stevens Point is at the forefront of sustainability, fostering the emerging Wisconsin Institute for Sustainable Technology – a collaborative research, teaching, and outreach center that will act as an economic development center for the region;

BE IT THEREFORE RESOLVED that the Board of Regents of the University of Wisconsin System thanks Chancellor Linda Bunnell and the entire UW-Stevens Point community for graciously hosting this October 2008 meeting, showcasing the exciting educational, cultural, and economic activities emanating from the heart of Wisconsin.

Chancellor Bunnell thanked Stephen Ward, Executive Director for External Relations, for his leadership and creativity in making arrangements for these meetings.

To President Reilly, she presented a gift of running socks and to Regent President Bradley, she presented a print, titled "The Regent" by master woodcut artist Ray Gloeckler.

The meeting was recessed at 11:45 a.m. and reconvened at 11:50 a.m.

CLOSED SESSION

The following resolution, moved by Regent Pruitt, was adopted on a roll-call vote, with Regents Womack, Walsh, Vásquez, Pruitt, Falbo, Davis, Cuene, Crain, Connolly-Keesler, Burmaster, and Bradley (11) voting in the affirmative. There were no dissenting votes and no abstentions.

Resolution 9558: That the Board of Regents move into closed session to consider UW-Madison Honorary Degree nominations, as permitted by s.19.85(1)(f), *Wis. Stats.*; and to confer with legal counsel regarding pending and potential litigation, as permitted by 19.85(1)(g), *Wis. Stats.*.

The meeting was adjourned at 12:10 p.m.

Submitted by:



Judith A. Temby, Secretary