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BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO

MINUTES OF THE GENERAL STUDY SESSION MEETING

**MONDAY, MAY 18, 2009
UNIVERSITY OF COLORADO DENVER
ANSCHUTZ MEDICAL CAMPUS
RESEARCH COMPLEX 2 – ROOM 2100 TRIVISABLE**

Chair Steve Bosley called the board meeting to order on Monday, May 18, 2009, at 9:00 a.m. Chair Bosley announced that the board would reconvene in executive session at 9:00 a.m. to discuss matters as specified (see page 12 of the board business meeting minutes for a detailed list of items). The executive session adjourned at 10:20 a.m.

Chair Bosley convened the May 18, 2009, General Study Session meeting at 10:30 a.m., and adjourned at approximately 11:45 a.m.

Regents present included Tilman “Tillie” Bishop, Michael Carrigan, James Geddes, Kyle Hybl, Tom Lucero, Steve Ludwig, Monisha Merchant and Joe Neguse.

For Information/No Action Required

Public Comment Period. Due to budget constraints, the administration decided to no longer fund the *Silver & Gold Record*, effective June 30, 2009. Nine individuals signed up to address the board about administration’s process in making the decision. Leadership from faculty and staff governance groups read resolutions of support to continue funding the newspaper or delay any budget decision for six months to allow full discussion of the role of the paper and possible alternative funding sources.

Uriel Nauenberg, chair of the Boulder Faculty Assembly, stated that the elimination of the *Silver & Gold Record* violated the *Laws of the Regents* 5.E.5 regarding the faculty collaborating with campus or system administration in the development of budget recommendations. Vice President Dan Wilkerson responded by stating the first line of 5.E.5 regarding principals of participation, “It is a guiding principle of the shared governance recognized by the Board of Regents that the faculty and the administration shall collaborate in major decisions affecting the academic welfare of the university.” He added that during the administration budget process, the president determined that eliminating the funding for the *Silver & Gold Record* did not meet the threshold of affecting the academic welfare of the university and therefore did not violate the *Laws of the Regents*.

Regent Neguse thanked the members of the public in attendance and announced that he would prepare a resolution regarding the elimination of the *Silver & Gold Record* for the next day’s board meeting.

Authorization to Deviate from Regent Policy 3 Regarding Search Processes. President Bruce Benson requested that the board approve a resolution to deviate from the search process in order to appoint Interim Vice President Kelly Fox as vice president and chief financial officer without conducting a search. President Benson noted that during one of the most difficult budget times in the university's history, Vice President Fox had proven her skills and abilities to do the job and to do it well. Regent Kyle Hybl, chair of the Budget and Finance Committee, noted that Vice President Fox did an outstanding job as interim vice president and looked forward to working with her.

Following the adjournment of the General Study Session, the board convened the Academic Affairs Committee.

BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO

MINUTES OF THE ACADEMIC AFFAIRS COMMITTEE MEETING

MONDAY, MAY 18, 2009

UNIVERSITY OF COLORADO DENVER

ANSCHUTZ MEDICAL CAMPUS

RESEARCH COMPLEX 2 – ROOM 2100 TRIVISABLE

Regent Steve Ludwig convened the May 18, 2009, Academic Affairs Committee meeting at 11:45 a.m., and adjourned at approximately 2:20 p.m. The board took a 20 minute lunch break during the meeting.

Other regents present included Tilman “Tillie” Bishop, Steve Bosley, Michael Carrigan, James Geddes, Kyle Hybl, Tom Lucero, Monisha Merchant and Joe Neguse.

Discussion Items for Consideration for Current or Future Action

Discontinuance of Dental Hygiene Program in School of Dental Medicine at UC Denver. Regent Ludwig reported that this item had been discussed at a previous meeting. There were no additional questions from the board.

Name Change from CU Institute of Bioenergetics to CU Institute of Bioenergetics and Immunology at UCCS. Provost Bacon reported that the name change request was to more accurately reflect the work of the institution. She added that the name change does not change the charter or bylaws. There were no questions from the board.

Amendment to *Laws of the Regents*, Article 4: Organization of Academic Units, and Revisions to Policy 4.H: Program Discontinuance. Associate Vice President Kathleen Bollard reported that the Colorado Commission on Higher Education no longer initiated low-demand program discontinuances. The recommended revisions delete references to externally-initiated discontinuance and include provisions for 12-month faculty members. Regent Ludwig noted that the recommended revisions had been discussed by the Regents’ Laws and Policies committee. There were no questions from the board.

New Degree Proposal for a Ph.D. in Applied Science at UCCS. Chancellor Shockley reported that the new degree program, similar in structure to the existing Ph.D. in engineering, would allow UCCS to prepare doctoral students in applied sciences.

Dean Tom Christensen added that the program would provide tracks in mathematics, physics and applied bioscience as well as an interdisciplinary track. He noted that UCCS was working with the Southern Colorado Innovation Strategy group to enhance economic growth in the region and the new program supported the efforts of the UCCS research initiative to build sponsored research activity on campus. Dean Christensen stated that because of current fiscal constraints, no funding commitments

would be needed for the next two years. He added that the program would rely on existing faculty and limiting enrollment.

For Information/No Action Required

Annual Diversity Report. Assistant Vice President Carmen Williams reported that the spring report includes all the data from the fall diversity on students, plus new student data on Pell recipients, first generation students; pipeline information on Colorado eligible high school graduates attending CU; proportion of students with disabilities; home region of resident freshmen; and pre-collegiate program outcomes. She added that the report also includes data regarding faculty and staff and campus narratives. She noted that as per President Benson's request, the Blue Ribbon Commission had increased geographical representation.

CU-Boulder Vice Chancellor Sallye McKee reported that students of color accounted for 16 percent of the freshmen class in 2008, an all time high, and 15 percent of all undergraduates on campus. For faculty retention, she noted that the campus had added programs focused on "recruit to retain" faculty. She noted that the campus is addressing issues related to the low number of women at the full professorship level.

UCCS Associate Vice Chancellor Kee Warner reported that students of color comprised 20 percent of first-year students and 19 percent of all undergraduates on campus. He noted that UCCS had several programs for faculty development and retention including the Innovation in Scholarship for Inclusiveness and Excellence.

UCD Vice Provost Zen Camacho reported that 28.6 percent of undergraduate students of color and 39 percent of undergraduate students are first generation at UCD. He reported on a pipeline program with joint admissions program that will admit students interested in pursuing medicine to UCD as an undergraduate and to the medical school at the same time for an eight year program.

Regent Carrigan requested information on why the UCD pre-collegiate program has a 99 percent matriculation rate after high school but only 42 percent come to one of the University of Colorado campuses. Chancellor Shockley noted that due to economic reasons, pre-collegiate graduates may choose to attend a community college for the first year and then move to a four year school.

Regent Carrigan asked if there was a reason why the pre-collegiate programs are capped between 500-700 students at each of the campuses. Vice President Tanya Kelly-Bowry responded that the available resources constrain pre-collegiate growth and that additional pre-collegiate funds were eliminated by the legislature during this year's state funding budget cuts.

Exhibit V in the bound copies of these minutes has the material on this item that was in the academic affairs committee agenda (on pages 91-95) and the 2008-09 Diversity Report. The 2009-09 Diversity Report and the Pre-Collegiate Development Program 2009 Annual Report were available on-line.

Articulation and Transfer Agreements between the Community College System and the University of Colorado. Associate Vice President Bollard noted that she had been working with Regent Ludwig to provide more information to the board on transfer agreements, particularly with the Colorado community college system. Associate Vice President Bollard stated that the campuses would present information on the number of transfer students at each campus; transfer student achievement as compared to first time freshmen; and campus programs to help transfer students. She also invited leadership from the Colorado community college system to attend the Academic Affairs committee.

Associate Vice President Bollard reported that effective June 30, 2009, 100 percent of CU core general education courses will have been submitted for approval to the Colorado Department of Higher Education statewide guaranteed transfer (gt) program (gtPATHWAYS).

Chancellor DiStefano reported that in 2008, CU-Boulder received 49 percent of their transfer students from outside the state. He added that they receive 23 percent from Colorado community colleges, primarily from Front Range Community College, and 15% from other Colorado four-year institutions.

Provost Bacon reported that UCCS received 43 percent of its transfer students from Colorado two-year institutions; 14 percent from Colorado four-year institutions; three percent from Colorado four-year private institutions; and 34 percent from out of state institutions. She added that Pikes Peak Community College accounts for 36 percent of all transfer students to UCCS.

Provost Nairn reported that UCD received 33 percent from Colorado community colleges; 22 percent from Colorado four-year public institutions; 14 percent from other University of Colorado campuses; 3 percent from Colorado four-year private institutions; and 29 percent from out-of-state institutions.

Regent Bishop noted that the Colorado community college system, with its 107,000 students, was an excellent recruiting area that CU needs to continue to develop. He also noted that the data presented revealed that the university is accepting that it takes student six years to graduate and would like the goals to reflect a four year graduation rate for all students.

President of the Colorado Community College System Nancy McCallin thanked the regents for inviting her to discuss the importance of the CU Board of Regents and the State Board of Community Colleges and Occupational Education collaborating to support students in achieving smooth articulation. She noted that the Colorado community colleges are comprised of one third students of color, half are Pell eligible; and half are first generation students. She stressed that being able to transfer to a four year institution without taking more classes than necessary is extremely important to the community college student.

Colorado Community Colleges System Provost Geri Anderson reported on the advantage of community college transfer students to CU by allowing CU to maintain or grow undergraduate enrollment by backfilling with transfers for the undergraduate students who leave after their freshman or sophomore year. She added that because on-campus housing does not have to be provided for transfers, there is a cost factor related to not having to construct additional housing for transfers while the university continues to address freshman housing needs.

Provost Anderson stated that in order for transfer agreements to be successful, four-year faculty have to trust that the two-year community college faculty's academic quality is actually at the level students need to be successful.

President McCallin noted that many of the community college students are extremely geographically mobile and may not have access to transfer agreements information when a student starts at one location and moves to maybe several other institutions during their higher education degree seeking years.

Regent Lucero thanked President McCallin and Provost Anderson for attending and applauded Regent Ludwig's persistence on the transfer articulation subject. Regent Lucero asked how the board keeps momentum going. Regent Carrigan stated that with this presentation, the board is informing the president and campuses that this is an important issue. He added that the board is committed to creating success for all Colorado students. Regent Ludwig suggested that the board invite other governing board members to attend a meeting and discuss transfer agreements.

Exhibit V in the bound copies of these minutes has the issue brief on this item that was in the Academic Affairs Committee agenda (on pages 123-130).

Following the adjournment of the Academic Affairs Committee meeting, the board convened into the Budget and Finance Committee.

BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO

MINUTES OF THE BUDGET AND FINANCE COMMITTEE MEETING

MONDAY, MAY 18, 2009

UNIVERSITY OF COLORADO DENVER

ANSCHUTZ MEDICAL CAMPUS

RESEARCH COMPLEX 2 – ROOM 2100 TRIVISABLE

Regent Kyle Hybl convened the May 18, 2009, Budget and Finance Committee meeting at 2:30 p.m., and adjourned the meeting at approximately 5:30 p.m.

Regents present included Chair Steve Bosley, Tilman “Tillie” Bishop, Michael Carrigan, James Geddes, Tom Lucero, Stephen Ludwig, Monisha Merchant and Joe Neguse.

Budget Update and Regent Discussion

Tuition and Expenditure Options for FY 2010. President Benson stated that at the board business meeting, the board would be asked to approve a resolution to establish FY 2010 tuition rates. He reiterated that the state’s funding problem had serious effects on the business of the university. In preparation for next year’s budget and for the long-term health of the university, President Benson stated he asked the chancellors to cut existing programs, look for ways to improve existing programs, and search for ways to enhance revenue.

President Benson stated that the board would be presented five tuition and expenditure options. He recommended Option D which included the following structural changes: CU-Boulder moving from 10.5 credit hours for full-time to 11 credit hours; UCCS implementing third year of its linearity tables; UCD implementing linear structure to 12 credit hours. He added that Option D also included the following tuition rate increases: CU-Boulder at 3.9 percent; UCCS at 5 percent; UCD at 1.2-1.7 percent.

Interim Vice President Fox noted that the following legislative actions required the university to cut programs and raise tuition: state funding for CU was reduced by \$50 million; the College Opportunity Fund (COF) stipend was reduced to \$2,040 for students taking 30 credit hours; tobacco funding was reduced by \$1.8 million for FY 2009 from \$18.9 million to \$17.1 million; and \$29 million in continuing budget reductions would be implemented in FY 2010.

Several regents expressed concern about the grim future of the economy and the impact of tuition increases on students.

Interim Vice President Fox reported that CU-Boulder took the largest reduction at \$12.9 million (\$6.6 million in salary/benefits and \$6.3 million in operations), followed by UC Denver at \$11.4 million (\$4.9 million in salary/benefits and \$6.5 million in operations). System administration cut \$6.3 million (\$4.8 million in salary/benefits and \$1.5 million in operations) and UCCS cut \$1.9 million (\$706,000 in salary/benefits and \$1.2 million in

operations). She added that there was about \$3.6 million in revenue generation across the system.

Each campus vice chancellor for finance presented the areas that would be cut and updated the board on enrollment projections.

Vice Chancellor Brian Burnett reported that the UCCS spring to spring FTE enrollment increased by 6.5 percent and that the fall to spring semester retention rate was 88 percent, the highest ever.

Regent Lucero asked where the campus would cut if more budget cuts were required in FY 2010. Chancellor Shockley replied that UCCS would not be able to take new students if more cuts were required. She added that it is the UCCS's mission to work with low income students and to not admit students would not be in the interest for the long term economic viability of southern Colorado.

Several regents had questions regarding UCD downtown campus enrollment volatility over the past several years. UC Denver Vice Chancellor Teresa Berryman reported the downtown campus enrolment is tied to a student's economic situation such as resident graduate enrollments decreased as tuition rates increased. She added that UCD maintains an enrollment management fund for the years where the campus hasn't met target enrollments. She reported that the campus uses the fund to balance the budget, allowing colleges and schools make it through the end of the year.

FY 2010 Student Fees. Interim Vice President Fox reported that the student fee proposals were developed in accordance with campus institutional plans for student fees. She added that the institutional plans were now in compliance with the new CCHE fee policy.

Regents Lucero, Neguse and Carrigan requested more information about the 24 percent increase for the Regional Transportation District's (RTD) student bus pass program (Ecopass). Vice President Ric Porreca stated that an RTD proposed increase of 10percent or more per year required a vote of the study body. He added that in 2009, the increase was approved by 89 percent of the students voting. He also noted that all students are charged the Ecopass fee whether they use public transportation or not.

Regents Lucero and Merchant asked for more information on the CU Boulder's "Forever Buffs" student fee. Vice President Porreca reported the CU-Boulder Alumni Association proposed the one-time \$70 fee to all first-time undergraduate registering students, giving the student a lifetime membership in the Alumni Association. He anticipated that upon graduation, alumni will contribute to the CU Foundation since they will not be required to pay for annual alumni dues. He added that the income from the proposed one-time fee is equal to the income from annual alumni dues.

Interim Vice President Fox noted that student speakers' costs would be presented at the June board meeting as part of the operating budget discussion.

Compensation Pools for FY 2009-2010. Interim Vice President Fox reported that the proposed compensation pool for faculty, officers, and exempt professional be within the range of 0 to .03 percent for all campuses and system administration. She added that the employer's contribution to faculty and exempt professional, health, life and dental insurance will remain at 90 percent of the market rate. There were no questions from the board.

Recommendations from the Capital Construction Subcommittee. Interim Vice President Fox reported that the Capital Construction Subcommittee is recommending three program plans for UCCS including: South Hall; 3650 N. Nevada Renovation; and Engineering Renovation Phase 1. She added that these quickly moved forward in anticipation of possible federal stimulus funding. Regent Bishop noted that all recommendations were contingent to funding availability.

Revisions to Regent Policy 11: Compensation. Associate Vice President Jill Pollock reported that the Laws and Policies Committee had been working on Policy 11 for more than a year. She reported that the proposed revisions included the definition of furlough and authorization of benefits accrual while on furlough, whether voluntary or involuntary. She noted that the revision updated the early retirement incentive section; however there were no changes to the table for early retirement.

Associate Vice President Pollock stated that the revision included improved military leave provisions for exempt professionals and faculty that mirrors the leave provisions for classified employees established by the Department of Personnel Administration. There were no questions from the board.

Amendment to *Laws of the Regents*, Article 14, and Revisions to Policy 14: Property and Facilities. Interim Vice President Fox stated that two sections in *Article 14* regarding inventory control and the property maintenance were deleted as the language is included in university and state policies and not necessary to be stated in the *Laws of the Regents*.

She noted that Policy 14.D with the modified title, "Authorization to Form and Contract with Nonprofit Corporation(s) for Developing Discoveries and Technologies of the University of Colorado," was revised to describe authorization in more generic terms.

Interim Vice President Fox stated that the Laws and Policies Committee also recommended rescission of four policies that were duplicative or subsumed in other campus or system policies. She added that no changes were recommended to policies regarding the university seal, weapons control or naming university facilities.

Grant of Right of Way to the City of Aurora to Accommodate Improvements to Montview Boulevard. Provost Nairn reported that for more than a year representatives of the Fitzsimons Redevelopment Authority, City of Aurora, and the University of Colorado Denver have been discussing the amount of right of way each entity would need to grant in order to accommodate the future development of Montview Boulevard, the needs of the Anschutz Medical Campus, and possible expansion of light rail through

campus. He noted that the proposal request requests the university provide 3.2582 acres for its portion of the right of way. There were no questions from the board.

For Information/No Action Required

Quarterly Treasurers' Report. Treasurer Don Eldhart reported that the university had a stable credit rating and would have adequate liquidity to meet its obligations through August when fall tuition revenue is collected.

Economic Stimulus Update. Vice President Leonard Dinegar reported that Colorado would be receiving \$760 million in federal stimulus funds and that CU would receive \$50 million per year to maintain operations for Fiscal Years 2009, 2010 and 2011. He added that over 580 research and equipment grants totaling approximately \$200 million had been submitted systemwide. He added that ten proposed capital construction grants totaling over \$150 million had also been submitted.

Interim Vice President Fox stated that the stimulus reporting requirements will be extensive at both the federal and state level. President Benson noted that the university must stay on top of grant submissions and stay in compliance.

Additional Discussion Item

Silver & Gold Record. Regent Neguse presented a draft resolution that authorized the creation of a temporary committee to explore alternative funding options through a systemwide collaborative process involving faculty, staff and administrators and directed the committee to provide the board its recommendations during the board's business meeting on June 24, 2009. Regent Neguse requested that the system continue some sort of subsidy for the newspaper but perhaps something less than the current \$600,000 per year funding.

Regent Ludwig said that the composition of the committee as written in the resolution could not give a balanced decision. He added that he considered the *Silver & Gold Record* as an advocacy newsletter for faculty and staff and not appropriate to fund at this time. Regent Ludwig said there isn't anything to stop it from forming its own newspaper.

Regent Merchant stated that she supported the resolution on behalf of the faculty and staff. She added that the proposed committee would task the *Silver & Gold Record* to take advantage of the new media directions.

Regent Carrigan said he had never seen such internal consistency on a single issue and he disagreed that it is an advocacy newsletter. He added that he felt the paper maintained a great historical record of the university and bridged all of the campuses. He stated that he appreciated President Benson making tough budget cuts but felt that the *Silver & Gold Record* deserves a chance to survive.

Regent Geddes said he would support the resolution. He added that it would be healthy to flush out options and bring back to the board for review.

Regent Bishop noted that he would not support resolution. He suggested that if faculty and staff felt so strong about a newspaper, perhaps the *Silver & Gold Record* should solicit subscriptions or seek corporate sponsors.

Regent Lucero noted that there will continue to be painful decisions in the next three years and expressed concern that the board would react to every budget cut that is highlighted by a particular constituency.

President Benson noted that system administration will provide university information internally in a fair and thoughtful manner. He stated that the new electronic newsletter would have open columns for faculty and staff governance groups and welcomed open letters. He added that the first electronic newsletter would begin in the next week with a formal rollout in August.

Vice President Dinegar stated that the new electronic newsletter would not replace the *Silver & Gold Record* and it would not be just a mouthpiece for the administration. He added that the new format would require \$90,000 for an additional 1.5 FTE to provide adequate staffing for the electronic newsletter.

Regent Neguse stated that he was unaware that the new media format had a fiscal impact. He added that while the amount was less than the annual \$600,000, it was still a subsidy.

The board recessed back into executive session at 5:30 p.m. The board recessed for the evening at approximately 7 p.m.

BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO

MINUTES OF THE BOARD BUSINESS MEETING

**TUESDAY, MAY 19, 2009
UNIVERSITY OF COLORADO DENVER
ANSCHUTZ MEDICAL CAMPUS
RESEARCH COMPLEX 2 – ROOM 2100 TRIVISABLE**

Chair Steve Bosley reconvened the board on May 19, 2009, at 9 a.m. for the board business meeting.

Regents present included Tilman “Tillie” Bishop, Michael Carrigan, Kyle Hybl, Tom Lucero, Steve Ludwig, Monisha Merchant, and Joe Neguse. Regent James Geddes was out of town; however, he was connected via telephone conference call during the later part of the meeting.

A. APPROVAL OF MINUTES

Moved by Regent Lucero and seconded by Regent Carrigan, that the minutes of the following meetings be approved: March 12, 2009, (Academic Affairs Committee, Budget and Finance Committee, General Study Session, Board Business Meeting) and the April 20, 2009, Special Board Meeting. The motion was adopted (7-0). Regent Geddes was not in attendance.

B. REPORTS

Chair. Chair Bosley noted that one of the most rewarding activities for the regents was attending campus commencement ceremonies and thanked the chancellors for making the occasions special to students and families. He reported that Lori Krug had been elected the new chair of the University of Colorado Staff Council and thanked outgoing chair, Jennifer Lahlou, for her service and passionate staff council advocacy. Chair Bosley reported that John McDowell had been elected for another term as Faculty Council chair and Dustin Farivar was elected chair of the Intercampus Student Forum. He added that he was continuing his meetings with faculty and staff governance groups.

Chair Bosley stated that every regent and administrator understood the human factors when making budget recommendations. He added that the board does not take budget issues lightly and noted that due to funding reductions, how the university delivers education will look different three and four years from now. He appreciated the administration melding individual regent concerns into different tuition proposals.

Board of Regents Committees and Liaison Activities

Capital Construction Committee. Vice President Kelly Fox gave a summary of the April 15, 2009, Capital Construction Committee. This report was presented during May 18, 2009. Budget and Finance Committee.

University of Colorado Denver Consolidation Review Project Update. Regent Merchant reported that the Ad Hoc Committee completed its task to solicit input to define the questions for the Consolidation Study at the University of Colorado Denver. She added that the information was distributed to the regents, Chancellor M. Roy Wilson and President Bruce Benson. *Exhibit L* is Regent Merchant's handout that includes the March 12, 2009, board resolution, (pages 52-56), and the list of questions/final comments (2 pages).

President. President Benson officially welcomed UC-Boulder Chancellor Phil DiStefano.

President Benson thanked the regents and the CU Office of Government Relations for moving the university's legislative agenda forward. He stated that the budget was the big issue and noted that the legislature and Governor Ritter were helpful in protecting higher education during tough economic times. He reported that instead of the \$300 million budget cut, higher education took \$150 million with CU's share of \$29 million this year and \$21 million next year. He continued that, while the stimulus money is covering higher education's reductions for two years, there would be a sharp decrease or "cliff effect" in FY 2011 when the cuts are no longer offset by federal money.

President Benson reported that the administration pushed hard on the flexibility legislation which did not pass. He noted that the university would return to the legislature with a focused approach particularly with regard to the international students' exemption from residency calculation. He added that the legislature did approve authority to begin 100 percent cash-funded capital construction projects upon approval by the Board of Regents.

President Benson stated that system and campus leadership have been working on attracting federal stimulus funds to university projects. He noted that CU's contracted federal lobbyists, Brownstein Hyatt Farber Schreck, have made campus visits and met with the chancellors regarding securing stimulus funds. President Benson thanked Regent Merchant for her help in navigating the federal budget process.

President Benson reported that reorganization of the system administration with the task for efficiency recommendations was moving forward.

President Benson stated that he would be meeting with the diversity officers and chancellors in preparation for the June 4, 2009, Blue Ribbon Commission meeting.

Host Campus. Chancellor Wilson introduced Vice Chancellor Research Richard J. Traystman to present a National Institutes of Health (NIH) stimulus funding update. Vice Chancellor Traystman reported that the American Recovery And Reinvestment Act (ARRA) was signed by President Obama in February 2009 and provided up to \$800 billion in new federal spending by September 30, 2010. He noted that \$10.4 billion had been budgeted for NIH proposals. He added that UCD had already submitted 444 proposals in five weeks and received six awards at this early stage.

Dr. Traystman reported that many of the stimulus funding proposals were cross-campus collaborations as well as collaborations with National Jewish, Denver Health, The Children's Hospital, and the University of Colorado Hospital.

Responding to Regent Carrigan's concern about faculty members submitting grants outside the normal process, Dr. Traystman assured the board that all grants and subsequent awards go through the UCD Grants and Contracts office with appropriate oversight.

Chair Bosley and Regent Bishop requested that a status report on ARRA/Stimulus funding be given at each board meeting.

Faculty Council. Dr. John McDowell reported that the following awards were given at the May 14, 2009, Faculty Council meeting: Kathleen Bollard, AVP Academic Affairs – Administrator of the Year; Weldon Lodwick, UCD Math and Chair of Faculty Senate Privilege and Tenure Committee – Distinguished Service Award; and Nancy Ciccone, UCD English and Chair of the Educational Policy and University Standards Committee – Distinguished Service Award. He added that R L Widmann was honored for her ongoing service to Faculty Council as the Immediate Past Chair.

Dr. McDowell stated that in response to faculty concerns about the *Silver & Gold Record*, Faculty Council passed a resolution regarding the collaboration with Faculty Council before budget cuts are implemented and a resolution requesting the deferment of the decision to remove funding from the *Silver & Gold Record* until options for alternative funding and production can be collaboratively investigated by the faculty, staff and administration. These resolutions are listed in *Exhibit N* (2 pages).

University of Colorado Staff Council (UCSC). UCSC Vice Chair Gregory Lundgren reported he was recently elected to UCSC and new chair Lori Krug would be in attendance at the June meeting. He thanked former chair Jennifer Lahlou for her hard work and leadership on behalf of staff council. He reported the UCSC passed a resolution requesting that the elimination of the *Silver & Gold Record* be delayed and restore funding for the *Silver & Gold Record* for a minimum of six months to allow the university community the opportunity to explore alternatives. This resolution is listed in *Exhibit N* (1 page).

Intercampus Student Forum (ICSF). The ICSF Chair Sruthi Pandipati distributed a written campus activities report to the board. She reported that Dustin Farivar was elected as the new ICSF chair, effective July 1. She added that ICSF was pleased that the tuition increases were reasonable for next year.

C. ACTION ITEMS

CONSENT ACTION ITEMS

Moved by Regent Ludwig, and seconded by Regent Carrigan that all items be approved by consent with the exception of the following agenda items:

1. Authorization to Deviate from Regent Policy 3 Regarding Search Processes
2. Tuition Rates for FY 2009-2010
3. Student Fees for FY 2009-2010
4. Compensation Pools for FY 2009-2010
5. UCCS Student Government Association Appeal
6. Silver & Gold Record

The motion was adopted (8-0). Regent Geddes participated via telephone conference call.

**CONSENT ACTION ITEMS – NEW
UNIVERSITY OF COLORADO AT COLORADO SPRINGS**

1. Name Change from CU Institute of Bioenergetics to CU Institute of Bioenergetics and Immunology

Exhibit L in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 1-2).

This item was discussed on May 18, 2009, at the Academic Affairs Committee meeting.

2. Approval of Program Plan for 3650 N. Nevada Renovation

Exhibit K in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 3-8).

This item was discussed on April 15, 2009, at the Capital Construction Subcommittee and on May 18, 2009, at the Budget and Finance Committee meeting.

3. Approval of the Program Plan for Engineering Building Renovation - Phase 1

Exhibit K in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 9-12).

This item was discussed on April 15, 2009, at the Capital Construction Subcommittee and on May 18, 2009, at the Budget and Finance Committee meeting.

4. Approval of the Program Plan for South Hall

Exhibit K in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 13-17).

This item was discussed on April 15, 2009, at the Capital Construction Subcommittee and on May 18, 2009, at the Budget and Finance Committee meeting.

**CONSENT ACTION ITEMS – NEW
UNIVERSITY OF COLORADO DENVER**

1. Discontinuance of Dental Hygiene Degree Program in the School of Dental Medicine

Exhibit L in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 19-20).

This item was discussed at both the January 14, 2009, and the May 18, 2009, Academic Affairs Committee meetings.

2. Grant of Right of Way to the City of Aurora to Accommodate Improvements to Montview Boulevard

Exhibit G in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 21-25).

This item was discussed on May 18, 2009, at the Budget and Finance Committee meeting.

**CONSENT ACTION ITEMS – NEW
REGENTS**

1. Revisions to Regent Policy 11: Compensation

Exhibit R in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 35-120).

This item was discussed on May 18, 2009, at the Academic Affairs Committee meeting, and on Feb. 18, 2009, at the Laws and Policies Committee meeting.

2. Amendment to *Laws of the Regents*, Article 14, and Revisions to Policy 14: Property and Facilities

Exhibit R in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 121-148).

This item was discussed on May 18, 2009, at the Academic Affairs Committee meeting, and on Feb. 18, 2009, at the Laws and Policies Committee meeting.

**CONSENT ACTION ITEMS – NEW
PERSONNEL – TENURE**

Personnel – Tenure

1. UCB: Appointments with Tenure (2); Awards of Tenure (7)

Kristen Carpenter, School of Law, August 17, 2009; Mark Serreze, Department of Geography, August 17, 2009; Kirk Ambrose, Department of Art and Art History, August 17, 2009; Suzanne Anderson, Department of Geography, August 17, 2009; Andrew Baker, Department of Political Science, August 17, 2009; David Barnett, Department of Philosophy, August 17, 2009; Jason Neff, Department of Geological Sciences and in the Environmental Studies Program, August 17, 2009; Robert Rupert, Department of Philosophy, August 17, 2009; Kenneth Wright, Department of Integrative Physiology, August 17, 2009.

Exhibit F in the bound copies of these minutes has the material on this item that was in the board meeting agenda book (on pages 151-159).

2. UCD: Appointments with Tenure (2)

Paul Stretesky, School of Public Affairs, September 1, 2009; Tanya Heikkila, School of Public Affairs, September 1, 2009.

Exhibit F in the bound copies of these minutes has the material on this item that was in the board meeting agenda book (on pages 161-162).

**CONSENT ACTION ITEMS – NEW
PERSONNEL – OTHER**

1. CU-Boulder

Report of personnel actions: sabbaticals

Exhibit F in the bound copies of these minutes has the material on this item that was in the board meeting agenda book (on pages 163-164).

2. UCD

Report of personnel actions: sabbaticals

Exhibit F in the bound copies of these minutes has the material on this item that was in the board meeting agenda book (on pages 165-166).

**D. ITEMS PULLED FROM THE CONSENT AGENDA FOR
FURTHER DISCUSSION AND ACTION**

Chair Bosley announced that the board would now consider the items that were pulled from the consent agenda for further discussion.

1. Authorization to Deviate from Regent Policy 3 Regarding Search Processes

Moved by Regent Ludwig, and seconded by Regent Carrigan to approve that the Board of Regents authorizes President Benson to deviate from the search process as defined in Policy 3.E. in order to appoint Kelly Fox as vice president and chief financial officer without conducting a search.

The motion was adopted (8-0).

Exhibit F in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on replacement page 27*).

This item was discussed on May 18, 2009, at the General Study Session.

2. Tuition Rates for FY 2009-2010

Moved by Regent Ludwig, and seconded by Regent Neguse to approve the Option D for the FY 2009-2010 tuition rates.

Regent Lucero expressed his gratitude to the president and chancellors for the budget work, however he expressed concerned that the university would be facing even more difficult funding decisions in the future. He stated that his preference was a zero percent tuition increase. He added that he understands the impact to the campuses with no increase in tuition revenue, but he also understands the impact of tuition increases on families sending their children to college.

Regent Carrigan stated that the increase is a modest proposal. He added that because of the hard work in better economic times, the board is not requesting double digit tuition rate increases. He also supported the move to complete tuition rate linearity.

Regents Ludwig and Merchant noted that the proposal was fiscally responsible yet maintained educational opportunities that were affordable for students.

Regent Bishop suggested that the big cuts should be made now in preparation for the cliff after the economic stimulus funding ends. He urged the chancellors to continue looking for further budget reductions so it doesn't come as a surprise if the economy continues to be grim.

Regent Geddes would prefer to see a budget that did not contain any tuition increase. He suggested that chancellors look for other areas to decrease spending including placing strategic planning projects on hold or asking faculty and staff to reduce salaries.

The motion adopted (7-1) with Regent Lucero against the motion.¹

Exhibit P in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on replacement pages 29*, 30a-62a).

This item was discussed on May 18, 2009, at the Budget and Finance Committee meeting.

3. Student Fees for FY 2009-2010

Moved by Regent Ludwig, and seconded by Regent Hybl to approve the student fees for FY 2009-2010.

Regents Carrigan and Merchant would like to have more discussion on CU – Boulder’s new “Forever Buff” alumni fee at next fiscal year’s fee discussion.

Chair Bosley, Regent Ludwig, and Regent Bishop cautioned the use of fees to backfill the loss of tuition revenue.

The motion was adopted (6-1) with Regent Lucero against the motion. Regent Geddes abstained.

Exhibit P in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on replacement pages 31*, 32b-82b).

This item was discussed on May 18, 2009, at the Budget and Finance Committee meeting.

¹ At the June 22, 2009, board business meeting, during the discussion on the motion to approve the May 18-19, 2009, minutes, Regent Geddes stated that he was participating via a telephone conference call and meant to cast a “no” vote on the tuition increase resolution. He noted that the May 18-19, 2009 minutes reflected his prior statement speaking against the resolution; however, the voting results as reported by the chair indicates that the motion passed by a vote of 7 in favor and 1 against, with Regent Lucero voting against the motion. University Counsel Steve Zweck-Bronner ruled that the vote cannot be changed. He added that the tape recording of the meeting cannot dispute or confirm Dr. Geddes’ recollection of his vote, and, as per the tape recording, Chair Bosley restated the voting results of 7 in favor and 1 against without objection. Mr. Zweck-Bronner stated that due to difficulties with Regent Geddes’ telephone connection, the May 18-19, 2009, minutes will be footnoted noting how Dr. Geddes felt he actually voted. The motion to approve the May 18-19, 2009, minutes with footnote was adopted.

4. Compensation Pools for FY 2009-2010

Moved by Regent Carrigan, and seconded by Regent Ludwig to approve that the compensation pools for FY 2009-2010 be within the range between 0 to 0.3 percent and the employer's contribution to faculty and exempt professional, health, life and dental insurance will remain at 90 percent of the market rate.

The motion was adopted (6-2) with Regents Geddes and Lucero voting against the motion.

Exhibit P in the bound copies of these minutes has the full resolution and material on this item that was in the board meeting agenda book (on pages 33).

This item was discussed on May 18, 2009, at the Budget and Finance Committee meeting.

5. UCCS Student Government Association Appeal

Moved by Regent Geddes, and seconded by Regent Lucero to approve that the Board of Regents grants David Williams' request for an appeal.

Regent Geddes noted that the proposed resolution was not to decide the case; it was to hear the appeal. He added that the board is available to hear appeals and believed that David Williams should have the opportunity to tell his story to the regents. Regent Geddes asked that his statement be read into the record.

Viewpoint Neutrality versus Freedom of Speech

This statement is in support of the resolution I have brought before the Board of Regents which would grant an appeal to the Board of Regents by David Williams, the prior student government president of the University of Colorado at Colorado Springs (UCCS).

David Williams received criticism from the UCCS chancellor and the University of Colorado president for his handling of the funding of "Spectrum," a UCCS student group who had been granted student government funds for its activities. David Williams was criticized for violating the principle of "viewpoint neutrality" and for discriminating against "Spectrum".

The "viewpoint neutrality" concept as upheld by the Supreme Court mandates that public university student governments fund student clubs or groups equally without adjustment based on any group's political or religious affiliation or sexual orientation (and so forth).

However, the Supreme Court did not mandate that an individual serving as a student body officer be himself "viewpoint neutral" (except he must not withhold funding as described above), nor did the Supreme Court mandate that he be prevented from exercising his First Amendment rights should he wish to criticize a given club's or group's existence or activity.

Case Description:

The UCCS student body president, David Williams, appears to be a conservative who embraces traditional values and principles. His opponent in this dispute appears to be a group of students identifying themselves as proponents of gay/lesbian/bisexual and cross-gender rights and privileges and as proponents of societal acceptance of the same ("Spectrum").

The UCCS student body senate granted funding to several student organizations including the "Spectrum" student group.

David Williams, the UCCS student body president, chose to allow the passage of 5 business days following the Senate granting of the funding to "Spectrum" without signing the requisition for funding. After the 5 days would lapse, he knew the funding would automatically be delivered to "Spectrum". Furthermore, "Spectrum" also knew or should have known the funding would be forthcoming, as on the Tuesday morning following the Friday of the senate action to fund the groups, David Williams e-mailed the members of the senate informing them that he intended to see that the funding for the "Spectrum" group would be insured by the exercise of the "5 day" provision. He specifically notified the senate members that he had no intention of exercising his veto option which if taken would have eliminated the "Spectrum" funding. David Williams chose this course rather than signing the requisition, as he believed that his signature would or could be interpreted as demonstrating his approval and support of the "Spectrum" group's existence and activities which are contrary to his honest belief and sentiment.

Discussion:

No tangible injury what-so-ever occurred to "Spectrum". It is clear from the facts of this case, that David Williams had every intention of insuring that "Spectrum" would receive its funding in a timely fashion. His actions were certainly sufficient to protect himself, the UCCS student body and the university as a whole from a "viewpoint neutrality" violation.

Not only is the amount of the funding not at issue, it is clear from the facts of this case that "Spectrum" was in no way discriminated against, as all three groups received their funding authorizations promptly and simultaneously.

"Spectrum" chose to complain to the chancellor that it had been discriminated against based on the "viewpoint neutrality" concept.

In actuality, it appears that "Spectrum" attacked David Williams because of his expressed adverse sentiments regarding "Spectrum's" purpose, message, and activities. David Williams' e-mail communication to the student body senate was likely shared with "spectrum" representatives (an act which also served to notify "Spectrum" that their funding would be forthcoming that very week). It appears "Spectrum" took offence and chose to retaliate against David Williams.

His adverse comments in his e-mail to the student body senate, although temporally related to the funding process of "Spectrum", did not influence the funding decisions by negatively effecting the granting of the funds or the timing of the funding authorization.

The correct decision by the chancellor would have been to deny or disagree with the "Spectrum" complaint and state that in actuality "Spectrum" had been treated equally to its peer student groups. The chancellor should have upheld the decision of the student government judicial board that there had not been a "viewpoint neutrality" violation.

The adverse comments made by David Williams in his e-mail of Sept. 30th do not constitute any form of "discrimination". The chancellor, therefore, should not have criticized him for discrimination.

As noted by the chancellor within her decision on this case, the student body has at its disposal mechanisms of reprimand if it should find the conduct of its elected officials wanting, even removal from office by recall.

The appropriate decision for this case should have rejected the complaint by "Spectrum" and clarified that no true "discrimination" had occurred against "Spectrum".

Neither the university, the UCCS campus, the UCCS student body, nor the UCCS student body president, committed any violation of the “viewpoint neutrality” concept. Furthermore, the complaining student group was not discriminated against in any fashion.

This case is important and carries strong implications for future students’ First Amendment rights. A similar future case might involve, for example, a passionate “progressive” student body president versus a very conservative student group.

We must protect all our students’ Freedom of Speech – regardless of their various persuasions.

I urge you to grant David Williams’ request for appeal of this case to the University of Colorado Board of Regents. Respectfully Submitted, James E. Geddes, M.D., Regent

The motion failed (2-6) with Regents Bishop, Carrigan, Hybl, Ludwig, Merchant and Neguse voting against the motion.

Exhibit N in the bound copies of these minutes has the full resolution (on replacement page 149*).

6. New – Regents: *Silver & Gold Record*

Moved by Regent Neguse, and seconded by Regent Geddes to approve the following resolution with a friendly amendment regarding the composition of the committee: “that the Board of Regents authorizes the creation of a temporary committee to analyze and review potential alternatives to the *Silver & Gold Record* that ensure editorial independence, including, but not limited to, an online circulation with corresponding decreases in staff support, implementing various revenue generating measures including subscription agreements, or eliminating the publication in entirety; that the working group will include the vice president for administration or his designee, one classified staff member and one faculty member from each campus chosen by the chancellor, and a member of the Board of Regents selected by the chair of the board, the Dean of the UCB School of Journalism or his designee, and the Chair of the *Silver & Gold* Editorial Board; and that the Board of Regents directs the committee to provide the board its recommendations during the Board’s business meeting on June 23, 2009.”

Regent Neguse stated that it was a modest and narrow proposal to give time to review proposals for continuing the paper.

Regent Carrigan, Geddes, and Merchant spoke in favor of the resolution. Regent Carrigan added that he had never seen such unanimity among governance groups in support of the issue.

Regent Ludwig said he was saddened by the loss of the *Silver & Gold Record* and respected its editor and staff, but viewed the publication as an advocacy newspaper for faculty and staff. He added that other traditional news outlets will continue to cover the university to ensure openness and accountability.

Regent Lucero expressed concern that the regents were unaware that the system administration's on-line newsletter would include a \$90,000 budget for a full-time editor and part-time writer.

The motion failed (4-5) with Regents Bosley, Bishop, Hybl, Lucero, and Ludwig, voting against the motion.

Exhibit N in the bound copies of these minutes has the full resolution that was in the board meeting agenda book (on page 167).

This item was discussed on May 18, 2009, at the Budget and Finance Committee meeting.

E. NOTICES OF MOTION

1. Amendments to *Laws of the Regents*, Article 1 – University of Colorado Legal Origin
2. Amendments to *Laws of the Regents*, Article 2 – The Regents of the University of Colorado
3. Amendments to *Laws of the Regents*, Article 3 – Officers and Exempt Professionals
4. Amendments to *Laws of the Regents*, Article 4 – Organization of Academic Units
5. Amendments to *Laws of the Regents*, Article 10 – Nondiscrimination
6. Resolution Endorsing a NCAA Division 1 Football Bowl Series

Having no further business, the board business meeting was adjourned at approximately 11:30 a.m.

F. EXECUTIVE SESSION AND TOPICAL MINUTES

As previously stated in these minutes, *moved* by Regent Bishop and seconded by Regent Merchant that the board recess into executive session at 9:00 a.m., on Monday, May 18, 2009, to discuss seven matters. The motion was adopted (6-0).

As permitted by Colorado Revised Statute Subsection 24-6-402(3), the board discussed the following matters as announced and pursuant to the subsection as listed:

1. (b)(I), one CU-Boulder personnel matter
2. (b)(I), one UCD personnel matter
3. (a)(I), one UCD property matter
4. (b)(I), one system personnel matter
5. (a)(II), receive legal advice regarding three specific questions.

In attendance were Chair Bosley, Vice Chair Bishop, and Regents Carrigan, Geddes, Hybl, Lucero, Ludwig, Merchant, and Neguse; President Benson; Chancellors DiStefano, Shockley-Zalabak, and Wilson; Vice Presidents Dinegar, Fox, Kelly-Bowry, and Wilkerson.

G. NEXT REGULARLY SCHEDULED BOARD MEETINGS

1. June 22-23, 2009 (*Monday-Tuesday*), University of Colorado at Colorado Springs, The Summit, Lodge A
2. Special Board Meeting – Board Retreat, July 15-17, 2009, Benson Residence, Silverthorne, Colorado