

UNIVERSITY OF COLORADO BOARD OF REGENTS

MINUTES OF THE REGULAR BOARD MEETING
(Includes Committees of the Whole)

THURSDAY-FRIDAY, FEB. 18-19, 2016
(Volume 88, No. 7)

UNIVERSITY OF COLORADO COLORADO SPRINGS
University Center, Berger Hall

A. THURSDAY, Feb. 18, 2016, 9 – 11 a.m. CALL TO ORDER, EXECUTIVE SESSION, Chairman Kyle Hybl presiding

Members present:
Regents Kyle Hybl, chair, Steve Bosley, Michael Carrigan, John Carson, Glen Gallegos, Irene Griego (via phone), vice chair, Stephen Ludwig, Sue Sharkey and Linda Shoemaker

Also attending: President Bruce Benson; chancellors Phil DiStefano, Pam Shockley-Zalabak, Dorothy Horrell and Don Elliman; vice presidents Leonard Dinegar, Patrick O'Rourke, Michael Lightner, Todd Saliman, Ken McConnellologue, Tanya Kelly-Bowry, Kathy Nesbitt, Johnnie Ray

ACTION: 1. Executive Session

Chairman Hybl called the meeting to order at 9 a.m.

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 below:

- (b)(I) regarding CU-Boulder personnel matters
- (b)(I) regarding UCCS personnel matters
- (b)(I) regarding one CU Denver | Anschutz Medical Campus personnel matter
- (a)(II) legal advice on seven specific matters
- (a)(I) regarding two CU-Boulder property items
- (a)(I) regarding one UCCS property item
- (a)(VII) regarding confidential commercial information
- (a)(VIII) regarding regent awards
- (a)(IV) regarding specialized details of security arrangements

Motion by Gallegos, second by Shoemaker
Final Resolution: Motion adopted (9-0)
Yes: Bosley, Carson, Carrigan, Gallegos, Griego, Ludwig, Sharkey, Shoemaker, Hybl

B. THURSDAY, FEB. 18, 2016, 1:30 p.m. University Center, Berger Hall - CALL TO ORDER/PUBLIC MEETING, Chairman Hybl presiding

Regent Griego participated by phone on Thursday.

Procedural: 1. Pledge of Allegiance

Procedural: 2. President Benson introduced Lt. Gov. Joe Garcia

Information: 3. Colorado Department of Higher Education Update

Lt. Gov. Joe Garcia updated the board on his service to higher education. He has accepted a position as president of the Western Interstate Commission for Higher Education and will leave his dual role of lieutenant governor and executive director of the Colorado Department of Higher Education (CDHE). He plans to begin with WICHE sometime before July 1, 2016.

ACTION: 4. Resolution of Appreciation for Lt. Gov. Joe Garcia

Motion by Shoemaker, second by Bosley
Final Resolution: Motion adopted (9-0)
Yes: Bosley, Carson, Carrigan, Gallegos, Griego, Ludwig, Sharkey, Shoemaker, Hybl

Procedural: 5. Public Comment

Robbie Rubenstein, *Colorado Wins*, and Tim Morrissey, CU-Boulder, presented information regarding minimum wage for workers at CU.

Report: 6. Chairman

Chairman Hybl reported that Regent Griego would be participating by phone because of a family illness.

Hybl acknowledged the regents' work to represent CU throughout the state and the nation. To highlight a few:

- In November, Regents Gallegos and Griego attended an Excellence in Leadership luncheon and lecture.
- Regent Ludwig attended a UCCS 50th Anniversary Winter Wonderland Event that included Gov. Hickenlooper, Secretary of State Wayne Williams, members of Colorado Legislative Delegation and Mayor John Suthers.
- Regent Carson in January attended a CU Advocates' CU Lunch and Learn program featuring V.P. Todd Saliman on the cost of education.
- Regent Sharkey attended the Fall Sports 2015 Champions Recognition Dinner recognizing the Pac-12 Champions Men's and Women's Cross Country teams and individual academic/athletic award winners from soccer, volleyball and football on Jan. 12.

- Regents Carrigan, Carson, Sharkey and Hybl attended the CU Advocates Day at the Capitol on Jan. 26.
- Regent Bosley attended the ninth annual Donor Recognition Dinner for the CU Anschutz Medical Center on Feb. 11.
- Regent Shoemaker attended the Distinguished Speakers Board featuring Rep. Jared Polis.

Hybl attended a press conference on CubeSats at UCCS. United Launch Alliance (ULA) CEO Tory Bruno unveiled ULA's new program that will transform the way our nation's CubeSats are launched.

Hybl said on Jan. 8, rather than a mid-winter retreat the board held a "deep dive" study session on the great work being at the CU Anschutz Medical Center. He thanked Shoemaker and the strategic planning committee for getting it set up.

Hybl said the board dinner will focused on the UCCS National Cybersecurity Center and the board breakfast will thank the UCCS police department for their great service.

Report: 7. President Benson

President Benson reiterated his thanks to the UCCS police force and their colleagues from CU-Boulder and the CU Anschutz Medical Campus for the professionalism they displayed during the difficult days of November and early December.

Benson said he is excited about UCCS and the cybersecurity initiative, which will be great for the campus, community and nation.

Benson said the CU Anschutz leadership team will be meeting with U.S. Army and the Department of Defense on issues with the Fitzsimons Redevelopment Association.

Benson congratulated the fourth Chair in Conservative Thought and Policy: Francis Beckwith.

Benson said he was looking forward to the Conference on World Affairs. The lineup was more balanced. Steve Wozniak, co-founder of Apple Inc. and a CU-Boulder alumnus, will be the keynote speaker.

Benson reported on state legislature actions:

- The budget process is still planning on a \$20 million cut to higher education (\$4 million to CU)
- No movement on hospital provider fee
- Tabor refund is estimated at \$189 million
- Staff is working with Capital Development Committee on threshold on cash-funded capital projects.

Benson said the *All Four:Colorado* marketing effort is going well with six months in since implementation. His office is getting good feedback.

Benson said his office is finalizing the alumni survey, which will look at graduates' employment and whether they are working in their degree field. He expects it to be in the field by March.

Benson said he and Marcy are heading out for a series of donor visits next week including meetings in Chicago and Providence. They will then travel to Washington, D.C., for congressional visits.

C. BOARD OF REGENTS COMMITTEES AND LIAISON ACTIVITIES REPORTS

Report: 1. Regent Audit Committee – Carrigan

The written report is included in agenda item.

Report: 2. Capital Construction Subcommittee – Gallegos

The written report is included in agenda item.

Report: 3. Intercollegiate Athletic Committee – Gallegos

The written report is included in agenda item.

Report: 4. Regent Awards Committee – Carson

The written report is included in agenda item.

Report: 5. Laws and Policies Committee – Ludwig

The written report is included in agenda item.

Report: 6. Strategic Planning Committee – Shoemaker

Committee Chair Shoemaker said the board asked the Regent Strategic Planning Committee (RSP) to evaluate how the board can improve its function, focus its meetings on important policy priorities, and most effectively use the limited time that the regents can devote to their positions. The committee determined an important tool in accomplishing those goals is ensuring that the board most effectively utilizes its committees. The RSP committee requested approval to review board committee structures with the goal of creating opportunities for more meaningful board engagement.

There was consensus from the board to move forward with RSP committee restructuring review and the board requested the committee report on these items in more detail at the next meeting. Carrigan said some actions such as budget approval should not be delegated to a committee.

Shoemakers said the RSP committee recommended an immediate implementation to create a three-member, bipartisan committee that would streamline the vetting of degree proposals, sabbaticals and other matters. V.P. Lightner said the provosts supported the academic subcommittee idea. Carrigan and Gallegos said they would be voting against the new committee because it was presented at one meeting and then asked to vote at the same meeting.

ACTION: 7. New Ad Hoc Academic Affairs Subcommittee

Motion by Sharkey, second by Ludwig
Final Resolution: Motion adopted (7-2)
Yes: Bosley, Carson, Griego, Ludwig, Sharkey, Shoemaker, Hybl
No: Carrigan, Gallegos

Report 7: CU Foundation Update – Sharkey

The written report is included in the agenda item.

D. GOVERNANCE LEADERS’ REPORTS

Report: 1. Faculty Council Chair John McDowell; Staff Council Chair Denise Thomas; Intercampus Student Forum Chair Chelsea Mitchell

E. CONSENT AGENDA

ACTION: 1. Approval of Consent Agenda

RESOLVED that the items listed on the consent agenda be approved.

Motion by Ludwig, second by Sharkey
Final Resolution: Motion adopted (9-0)
Yes: Bosley, Carson, Carrigan, Gallegos, Griego, Ludwig, Sharkey, Shoemaker, Hybl

The details of each item are included in the agenda.

- ACTION (Consent): 2. Approval of Minutes for: Nov. 5-6, 2015; Jan. 8, 2016
- ACTION (Consent): 3. Sabbatical (1) - University of Colorado Boulder
- ACTION (Consent): 4. Sabbaticals (21) - University of Colorado Colorado Springs
- ACTION (Consent): 5. Sabbaticals (1) - University of Colorado Denver | Anschutz Medical Campus
- ACTION (Consent): 6. Authorization to Deviate from Regent Policy 3 Regarding Search Process (Vice Chancellor Luella Chavez D'Angelo) - CU Denver
- ACTION (Consent): 7. New Masters of Fine Arts in Experience Design Degree - CU-Boulder
- ACTION (Consent): 8. Proposal to Change Names of M.A. and Ph.D. degrees in Education – CU-Boulder
- ACTION (Consent): 9. Proposal to split the current Master of Science Engineering Degrees into traditional Master of Science Degrees and professional Master of Science Degrees - CU-Boulder
- ACTION (Consent): 10. Change the M.S. in Business Administration into four distinct degrees specifying current areas of study – CU-Boulder
- ACTION (Consent): 11. Amendment to Board Resolution of Dec. 4, 2013, regarding the conveyance of a condominium in the Lane Center for Academic Health Sciences to Peak Vista Community Health Centers
- ACTION (Consent): 12. Regent Awards - Recipients of the 2016 Honorary Degree, Distinguished Service Award and University Medal
- ACTION (Consent): 13. Issuance of quitclaim deed to the United States Department of Veterans Affairs (V.A.)
- ACTION (Consent): 14. Authorization of a 15th Supplemental Resolution and Documents Relating to the Issuance of the University Enterprise Revenue Bonds, Series 2016A, and the University Enterprise Refunding Revenue Bonds, Series 2016B
- ACTION (Consent): 15. Term contract for head volleyball coach (Jesse Mahoney) – CU-Boulder
- ACTION (Consent): 16. Employment agreement amendment for head men’s basketball coach (Thomas "Tad" Boyle) – CU-Boulder
- ACTION (Consent): 17. Permanent restriction of two quasi-endowments established by Robert H. Allen, M.D. - CU Anschutz Medical Campus

F. ACADEMIC AFFAIRS COMMITTEE, Regent Sharkey presiding

Information: 1. Online Education - Regent/President Priority - Chancellors DiStefano, Elliman, Horrell and Shockley-Zalabak

UCCS Chancellor Shockley-Zalabak told the board CU's online course offerings have seen enormous progress. Compared to the previous fall, the number of courses offered grew 9 percent, enrollment was up 10 percent, student credit hours increased 12 percent and unduplicated headcount rose by 8 percent.

Shockley-Zalabak also discussed a proposal presented in November by Ludwig that called for a competition to create a fully online cross-campus degree program. Shockley-Zalabak and V.P. O'Rourke met with Ludwig to discuss the possibility of a grant proposal after receiving input from the campus provosts and faculty. Faculty on two or three campuses would be asked to create a proposal for a degree that would then go through the same processes through the provosts, and to the regents if it's a totally new degree for approval.

The proposals must include data on what faculty believe will be the enrollment, the target audience, why students would want this form of a degree, how can it be offered entirely online, and how can it be – but would not have to be – completed in three years. The degree program would require rolling admission and allow students to enroll in fall, spring or summer. Programs would get extra consideration if they incorporate a partnership with Colorado businesses, nonprofit organizations and/or governmental agencies, she said.

Faculty participating in the grant would receive a \$15,000 stipend. A staff person would be selected for each team to support the logistics of course development, and would receive a \$5,000 stipend. Each grant proposal would then have \$200,000 for course development. As far as funding the program, she said the campus chief financial officers found contingency funds held in the president's office from the initial online initiative. She said they would like to go out this spring and ask for proposals and may take up to a year or year and a half to get the courses launched

Ludwig thanked the campuses for the progress being made on the online education initiative.

G. 5:30 p.m. RECESS UNTIL FRIDAY, FEB. 19, 2016

H. 9:30 a.m. FRIDAY, FEB. 19, 2016 BOARD MEETING RESUMES, Chairman Kyle Hybl presiding

Members present:

Regents Kyle Hybl, chair, Steve Bosley, Michael Carrigan, John Carson, Glen Gallegos, Stephen Ludwig, Sue Sharkey and Linda Shoemaker
Regent Irene Griego was unable to attend.

Chairman Hybl noted that two regent candidates were in attendance: Lucky Vidmar, Democrat, 1st Congressional District and Heidi Gahnal, Republican, At Large.

Information: 1. Host Campus Report

Shockley-Zalabak gave regents an update and overview of the university's 2012-20 Strategic Plan. The campus is in the process of updating and revising the plan, which is expected to be part of a November 2016 Higher Learning Commission accreditation visit.

After her presentation, Shockley-Zalabak encouraged the regents to move from formal seats at the front of the room to one of four round tables nearby. Seated at the tables were UCCS faculty and staff. Each table carried one of these topics: partnerships/health and wellness, academic programs and research, student engagement and diversity and internationalization.

Regents spent 30 minutes each at two of the tables, talking with UCCS faculty and staff members about the topics and providing their input toward the strategic plan.

A revised strategic plan will be circulated for comments from the regents and the campus. A completed updated plan will be available for regents' approval at the April 5-6 board meeting.

I. BUDGET AND FINANCE COMMITTEE, Regent Bosley presiding

Report: 1. Quarterly Treasurer's Report

The written report is included in agenda item.

Information: 2. Capital Project and Process Report Update at CU-Boulder

Kelly Fox, CU-Boulder senior vice chancellor and CFO, requested a final \$6.3 million in funding needed for completion of the renovation and expansion of facilities at the football stadium. Total final cost of the project is \$166.2 million.

With the final cost of improvements to Folsom Field totaling \$24 million above the original budget, Fox said that lessons have been learned and changes are being made for better results in the future.

In her presentation, Fox explained how several factors – including an ambitious construction timeline, unexpectedly challenging soil at the construction site and high turnover of internal and external staff – contributed to the higher costs. A review of the process resulted in recommendations that are being acted on, such as enhanced project management training, communication tools and contracting strategies, as well as the hiring of a new vice chancellor for infrastructure and safety.

Ludwig said he appreciated all the work the campus has put in, why it happened, and now the process is getting fixed but it's still money wasted.

Carrigan disagreed with the characterization of the cost overrun as being wasted money, although he was disappointed about being over budget. He thanked the leadership of Athletic Director Rick George and others for exceeding the original expectations on fundraising.

ACTION: 3. Amendment to the Program Plan for an Athletics Complex and Revised FY15-16 Two-Year Cash List

Motion by Bosley, second by Sharkey
Final Resolution: Motion adopted (8-0)
Yes: Bosley, Carson, Carrigan, Gallegos, Ludwig, Sharkey, Shoemaker, Hybl
Not present at vote: Griego

Information: 4. CU Revenue Trend Analysis

The presentation is included in agenda item.

Information: 5. FY 2016-17 Budget Proposals

Vice President of Budget and Finance Todd Saliman, chancellors and campus chief financial officers present their 2016-17 budget proposals that include tuition and fee increases between 3 percent and 5 percent and an employee merit pool between 1.6 percent and 2 percent.

Saliman said the merit pool for compensation increases for faculty and staff is smaller than in recent years, a result of expected funding cuts by the state. Gov. John Hickenlooper's proposed budget includes a \$20 million cut for higher education, with CU's expected share \$4 million. That drop, along with the university's effort to keep tuition increases low, also means budget cuts and less deferred maintenance across the system.

As outlined in Saliman's presentation to the board, the ranges of proposed tuition and fee increases vary by campus.

CU-Boulder presented two options for undergraduate resident tuition: a 3 percent increase for each of the next four years or a one-time 5 percent increase that would then remain at that rate for the following four years. The latter is similar to a guaranteed tuition program already in place for CU-Boulder's nonresident students.

Chancellor DiStefano said that these two proposals flip the risk (away from families), where we tell parents and students, this is what it's going to cost you for four years. He said the risk is really at the Boulder campus, to make sure we can be responsible in finances and making things work. He said whether it's 3 percent or 5 percent, it really changes the status quo of how we've dealt with tuition.

The proposed increase to resident undergraduate tuition and fees is 4.6 percent at UCCS and 3.4 percent (lower division courses) at CU Denver.

Proposed faculty and staff merit pool increases are 2 percent at CU-Boulder and the CU Anschutz Medical Campus; 1.6 percent at UCCS; and a one-time (non-base-building) award of 1.6 percent at CU Denver. The system administration merit pool is 1.73 percent. Saliman said it's unusual to have different options at each campus, but the budget situations are very different.

CU-Boulder has seen additional revenue from enrollment that exceeded expectations this year; that led the campus to seek the board's approval – as required by board policy – for increasing its general fund budget by \$13.3 million.

While CU-Boulder saw enrollment exceed expectations this year, CU Denver enrollment has fallen below projections. Saliman said the campus is making tough choices to ensure their tuition increases remain small as well. CU Denver is facing a revenue shortfall of \$6.8 million in the current fiscal year.

Information: 6. FY 2016-17 Fee Proposals

The presentation and proposals are included in agenda item.

ACTION: 7. FY 2015-16 University of Colorado Boulder Budget Authority

Motion by Bosley, second by Sharkey
Final Resolution: Motion adopted (6-0)
Yes: Bosley, Carson, Gallegos, Sharkey, Shoemaker, Hybl
Not present at vote: Carrigan, Griego, Ludwig

J. BOARD DISCUSSION AND ACTION ITEMS, Chairman Hybl, presiding

DISCUSSION: 1. Report on Diversity Strategy- Regent/President Priority

Last fall by the board ask Kathy Nesbitt, vice president of employee and information services, to construct a comprehensive strategy that would foster inclusion and recruitment in all areas of diversity as defined by the regents in September 2013, including race, color, national origin, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or philosophy.

Nesbitt said CU has made strides in increasing ethnic diversity on its campuses: In the past decade, student headcounts have risen by nearly 50 percent; and in 2014-15, CU awarded 19 percent of degrees among public institutions to underrepresented minorities in the state. Those measurable statistics are encouraging, yet the definition of diversity goes far beyond ethnicity, and those areas need to be addressed. Nesbitt said when talking about diversity in this particular context, we are talking about all forms of diversity, not only ethnic diversity, but also political thought, rural versus urban - the broader picture.

Several diversity and inclusions programs already are in place on each campus, Nesbitt said. It's now up to leadership to determine whether each project is working to build inclusiveness and that the money being invested is worthwhile.

Nesbitt said part of the strategy includes external collaboration – bringing in others from outside the institution to provide new perspective. She said she has received support from the chancellors and president to bring on expertise at the system level.

Regent Carson said he was pleased by the emphasis on the broader definition of diversity; however he wanted to know how the university can be more effective on diversity of intellectual diversity and political diversity.

Nesbitt asked the board for recommendations on gathering data on the broader forms of diversity. She asked for help on how to quantify and how to measure political thought or what other non-ethnic diversity metrics there are. She said it's harder to identify what that looks like.

Nesbitt presented the board with five long-term goals to better foster diversity:

1. Create diversity and inclusion committees on the campuses; increase diversity of faculty and staff; develop tools to assess the level of multicultural competency and the effectiveness of diversity and inclusion activities across campuses.
2. Increase the number of degrees awarded. Every campus has initiatives that are focused on students of color, students who have a disability and individuals who may not fall into an ethnic category, such as low-income students and first-generation students, she said.
3. Form a cultural diversity research group: Create some seed monies for CU's many cohort groups to work on diverse initiatives around research.
4. Build relationships with the outside community, including business, nonprofits and advancement, as well as finance and procurement to expand opportunities to engage in more diverse businesses and vendors through the procurement service center.
5. Enhance communication by building awareness and collaboration with organizations and leaders with diverse backgrounds in the community.

In addition, Nesbitt said change starts from within.

Regent Gallegos said he's pleased at the strides being made in the expansive area of diversity. He said what CU is doing is trying to educate all kids, and to ensure everybody has an opportunity for an education. He said he doesn't want anyone to think that we're lowering the quality of education at the University of Colorado – rather we're trying to raise the bar for everybody.

ACTION: 2. In-state Tuition Classification for Dependents of Honorably Discharged Military Members - Update Compliance with State Law

RESOLVED that the University of Colorado campuses may implement policy offering in-state tuition status to students who are dependents of honorably discharged members of the armed forces who have resided in Colorado for any period of time prior to enrollment and can otherwise establish domicile in Colorado.

Motion by Sharkey, second by Ludwig
Final Resolution: Motion adopted (8-0)
Yes: Bosley, Carson, Carrigan, Gallegos, Ludwig, Sharkey, Shoemaker, Hybl
Not present at vote: Griego

Information: 3. Discussion on CU-Boulder's Title IX Survey Results

Director of Institutional Equity and Compliance and Title IX Coordinator Valerie Simons said reports of sexual misconduct at CU-Boulder increased nearly 100 percent in

2013-14 and 2014-15, which means efforts to fuel awareness, encourage reporting and promote access to resources for reporting and preventing sexual misconduct are working.

The Office of Institutional Equity and Compliance last fall distributed a survey to all students at CU-Boulder. The overall response rate was an impressive 41 percent; of respondents, 28 percent reported experiencing sexual misconduct since becoming a student at CU-Boulder. CU-Boulder opted to do its own survey to best isolate details specific to the Boulder campus. Phase II of the survey results will be released in June and will go into more detail than Phase I.

Simons said the data doesn't mean that it's gotten worse – it means that CU is finally capturing what's really happening on the campus. She said now that we have the frequency rates and we have reports, we've got to reduce the gaps. She said it is important to understand the progress our campus has made in respect to our prevention and response efforts.

Simons' office has launched a reporting website that allows students to easily make a report to CU-Boulder and/or CU-Boulder police. It provides lists of resources for individuals to find assistance. CU-Boulder also has initiated required online policy courses and quizzes, and bystander training for all new students.

Regent Sharkey applauded the progress, but said she was concerned that the Boulder District Attorney's office was not following through on prosecuting cases that had been forwarded by the university.

Simons explained there is a higher burden of proof on the criminal side and that county statutes don't always mirror CU-Boulder's statutes and requirements under Title IX.

Regent Carrigan said the survey results were shocking and so disturbing. He said the only thing worse than hearing the numbers is not knowing about them to fix them.

Sharkey stressed the role of educating children before they enter college. She said there is a problem on our college campuses; it's not unique to CU.

Regent Shoemaker noted that the statistics for experiencing sexual misconduct among women of college age who do not attend college are the same.

A follow-up survey will be conducted in three years, Simons said.

K. ADJOURNMENT

Procedural: 1. The meeting adjourned at 4 p.m.

Procedural: 2. Next regular board meeting is scheduled for April 5-6, 2016, at CU Denver.

NOTE: Complete agenda items and materials for CU Board of Regents meetings can be located on BoardDocs: <http://www.boarddocs.com/co/cu/Board.nsf/>