

# UVU BOARD OF TRUSTEES

June 22, 2017

4 p.m. – SC 213c, Utah Valley University

## Board of Trustee Members Present

Karen L. Acerson  
Elaine Dalton (Chair)  
Rob Smith  
Jack Sunderlage  
Jill Taylor  
Paul Thompson  
R. Duff Thompson

## Guests

Steve Anderson  
Kimberly Bojorquez  
Braley Dodson  
August Miller  
Craig Thulin

## UVU Regular Attendees

Mark Bracken, Faculty Senate President  
Karen Clemes, General Counsel  
Scott Cooksey, Vice President Development and Alumni  
Linda Makin, Vice President Planning, Budget and HR  
Shalece Nuttall, PACE President  
Jeffery Olson, Senior Vice President Academic Affairs  
Val Peterson, Vice President Finance and Administration  
Kyle Reyes, Special Assistant to the President for Inclusion  
Michelle Taylor, Vice President Student Affairs  
Katie Zabriskie, Assistant Associate

Chair Elaine Dalton began the meeting by welcoming the Trustees and media members and reminding them that the meeting was being recorded per the Utah Public Meeting Act. She thanked SVP Jeff Olson and the Cabinet for their good care of the university in the President's absence. She introduced new Trustees Rob Smith and Paul Thompson and asked each for a brief biography.

## I. ACTION

### 1. Resolutions of Appreciation

Chair Dalton announced that Trustee Anne-Marie Wright Lampropoulos, who was traveling in Europe and unable to attend, had been appointed by Governor Herbert to the University of Utah Board of Trustees. She thanked Trustee Lampropoulos for her service and asked Trustee Karen Acerson to read a resolution of appreciation in her honor; Trustee Acerson did so, noting the Board's appreciation for Trustee Lampropoulos's time of service and friendship.

Chair Dalton stated that the University had recently become aware that Ron Humphries, a member of the Board's Audit Committee, passed away unexpectedly in April after a brief battle with cancer. She asked Trustee Duff Thompson to read a resolution of appreciation in his honor; Trustee D. Thompson did so, noting the Board's appreciation for Mr. Humphries service and celebrating a life well-lived. Trustee D. Thompson noted that there would be a big hole at UVU left by Mr. Humphries's passing.

### 2. New Trustee Oaths

Accompanied by First Vice Chair D. Thompson and Second Vice Chair Jack Sunderlage, Chair Dalton administered the Oath of Office before the full Board of Trustees to new Trustees Rob Smith and Paul Thompson. August Miller was in attendance to take photographs.

### 3. Board Leadership Elections

Chair Dalton provided the Trustees with background on the process of electing a new Chair and Vice Chairs. She noted that elections were held every odd year with those elected serving two-year terms. The Chair is responsible for forming a nominating committee from the Trustees to facilitate this process. In April, Chair Dalton asked Trustee James Clarke to serve as Chair of the nominating committee and Trustees John Gappmayer and Jill Taylor to serve as members. Trustee Taylor provided an overview of the meetings/telephone conversations of the nominating committee. All unanimously agreed that they recommended Chair Dalton, First Vice Chair D. Thompson, and Second Vice Chair Sunderlage remain in their current positions, as long as they are willing to serve. Given the decision to maintain the current structure, Trustee Taylor motioned to waive the proscribed ballot process and retain Trustee Dalton as Chair, Trustee D. Thompson as First Vice Chair, and Trustee Sunderlage as Second Vice Chair.

Trustee Acerson seconded. The motion carried without opposition. Chair Dalton spoke of the commitment of the Board leadership to the university and the desire to see it move forward.

#### **4. Executive Committee Ratification**

Chair Dalton informed the Trustees that on April 22, the Executive Committee of the Board met to discuss three items that were time sensitive. These items were the realignment of Campus Drive, a property sale in the Palos Verdes neighborhood, and the approval of the construction of a classroom building at the Capitol Reef Field Station. VP Val Peterson explained that the Executive Committee voted to approve the consolidation of Campus Drive and 800 S into a single road, fill-in the newly freed space with 400 parking stalls, and install a light and additional traffic exits. This proposal has received support from Orem City. VP Peterson noted that the Executive Committee approved the reconfiguration with an expected cost of \$1 million. He asked that the ratification of the vote be made with the knowledge that the bid came back higher than expected and the realignment of Campus Drive is now expected to cost between \$1.8 and \$2.5 million. Trustee D. Thompson indicated that even with the increased expense, the cost of the realignment in conjunction with the additional parking stalls was a boon for the university. Trustee D. Thompson motioned to approve the ratification of the Campus Drive realignment at the increased cost of between \$1.8-\$2.5m. Trustee Taylor seconded. The motion carried without opposition.

VP Peterson then discussed the Palos Verdes property sale with explanation to the Trustees that UVU owned a 0.91-acre piece of land in the neighborhood that was sought by the private company redeveloping the area. UVU was offered the appraised value for the property in cash. UVU would not have use for the property given the new housing being developed. VP Peterson concluded by indicating that UVU felt it was necessary programmatically to construct a classroom building at the Capitol Reef Field Station, thereby alleviating the singular multi-purpose building of some of its current stresses. The building will cost \$300,000, all of which is funded by the existing endowment. Trustee D. Thompson motioned to ratify the sale of property in the Palos Verdes neighborhood and the construction of the classroom building at the Capitol Reef Field Station. Trustee Sunderlage seconded. The motion carried without opposition.

#### **5. Requisitions**

The Trustees were presented with a requisition by VP Scott Cooksey in the amount of \$215,000 to establish an archive in the Ira A. Fulton Library to house production and development materials from the Roots of Knowledge stained glass installation. Items will include sample brushes, glass and associated materials, sketches, and digital documents from Holdman Studios. Existing donated funds will cover the expenses and will not inhibit other planned projects. Discussion turned to the original contract with Holdman Studios and the renegotiation efforts surrounding certain elements, including copyright royalties and intellectual property rights. Holdman Studios has been agreeable to re-examining this contract and furthering the partnership with UVU in a mutually agreeable manner. Trustee D. Thompson offered cautions and considerations as the negotiations continue. Trustee Acerson motioned to approve the expenditure of \$215,000 to support the creation of a Roots of Knowledge Archive in the Fulton Library. Trustee D. Thompson seconded. The motion carried without opposition.

The Trustees were also presented with a requisition by VP Linda Makin to approve the purchase of Workers Compensation Insurance as required by the State of Utah in the amount of \$600,000. Trustee Sunderlage motioned to approve the purchase of Workers Compensation Insurance. Trustee Taylor seconded. The motion carried without opposition.

#### **6. Policies**

Policy 107: The Trustees were informed that Policy 107 was being recommended for deletion because it is an outdated policy. Internal audit and other entities that were impacted by the old policy are now operating under separate policies. Trustee Acerson motioned to approve the deletion of Policy 107. Trustee P. Thompson seconded. The motion carried without opposition.

Freedom of Speech Policy Bundle (Policy 161 & 544): The Trustees were reminded that preliminary amendments to Policy 161 had been approved previously in temporary emergency. The policy has now been taken through UVU's full process and has undergone more numerous and comprehensive revisions. Policy 544 is being recommended for

deletion because it is now fully addressed in Policy 161. Policy 161 was developed using policies in effect at fellow USHE institutions as benchmarks and in response to issues raised in the legislature regarding protests. The goal of the policy is to fully protect the freedom of speech rights of students, faculty, staff, and constituents on UVU's campus but clearly define the time, manner, and place restrictions on those rights in accordance with applicable law. The purpose of the revisions is to clarify the free speech rights of the campus community, address those issues that traditionally are the sources of concern, and balance the competing interests of free speech, inclusion, and non-discrimination. The Trustees discussed the comprehensiveness of the policy, the faculty perspective, the student body concerns, and the extent to which UVU protects free speech above and beyond the requirements of the legislature. Trustee Taylor motioned to approve the revisions to Policy 161 and to delete Policy 544. Trustee Sunderlage seconded. The motion carried without opposition.

Conduct Policy Bundle (Policy 162 & 165): The Trustees were informed that because of changes to existing Board of Regent policies and new legislative statutes, it was necessary to revise Policy 162 and 165. A significant addition to Policy 162, which was supported through research on other USHE institution policies and efforts on inclusion, was to include gender expression as a protected class in matters of sexual misconduct. Revisions to Policy 162 also provide protections for students to have support individuals present during investigations and provide greater clarity to the review hearing process. Policy 165 is a companion to Policy 162 that deals with conduct matters that are non-sexual in nature. The policies mirror each other very closely. The modifications to both policies came after much input from various campus stakeholders and outside counsel. The recommendations resulted in stronger language for due process in matters of behavioral misconduct. Trustee Smith motioned to approve revisions to Policies 162 and 165. Trustee P. Thompson seconded. The motion carried without opposition.

Travel Policy Bundle (Policy 251 & 252): The Trustees were told that Policy 251 and 252 clarify travel policies for university business. Among other things, these university travel policies define rooming expectations, clarify the application of national alerts and CDC warnings, and outline compliance with regards to export control policies. Trustee Taylor motioned to approve the adoption of Policy 251 and 252. Trustee Acerson seconded. The motion carried without opposition.

Academic Policy Bundle (Policy 606, 633, & 637): The Trustees were informed that Policies 606, 633, and 637 all address issues pertaining to either university courses or university faculty expectations. Policy 606 is intended to ensure course materials are both effective and cost conscious and that there are appropriate processes for material selection. The goal of the policy is to be fair to both faculty and students. The current policy does not allow professors to receive royalties but when the new conflict of interest policy is developed, the issue will be revisited. Policy 633 addresses matters of faculty review. The policy strengthens the existing annual review process, providing increased support to faculty and chairs and ensuring that all parties are held accountable. Policy 637 establishes an advisory committee for tenure review as is customary at large institutions. The policy creates a larger time period for the review process and removes the burden of solitary responsibility from the AVP of Academic Affairs. Trustee Sunderlage motioned to approve the Academic Policy Bundle comprised of Policy 606, 633, and 637. Trustee Taylor seconded. The motion carried without opposition.

FLSA Policy Bundle (Policy 325, 326, 327, 328, and 351): The Trustees were informed that because of changes issued by the Department of Labor under President Obama's administration which impacted FLSA, UVU began the process of revising its policies. The policies had been approved in temporary emergency but have now been revised under the regular process. These revisions were developed independent of the salary thresholds suggested at the time and will allow full compliance but flexibility for the university when necessary. There are no financial implications from adopting these policies outside of a small number of salary increases that occurred because of the timing of the stay on the implementation of the changes. The policy revisions (325 and 327) and deletions (326, 328, and 351) in the FLSA Policy Bundle will provide greater protections for employees and better management by supervisors. Trustee Acerson motioned to approve the FLSA Policy Bundle as presented. Trustee Taylor seconded. The motion carried without opposition.

VP Makin offered her gratitude to all those involved in the process of reviewing, crafting, and finalizing the university's policies.

## 7. Academic Programs

MBA Marketing Emphasis and MBA Finance Emphasis: The Trustees were told that there is an increasing trend for specialization within MBA degree programs. Such unique degrees, however, are costly for universities so UVU is developing emphases within its MBA program that will add additional courses to ensure greater knowledge in a particular subject matter – marketing or finance. There will be no financial impact because the added courses will be covered by existing faculty. Graduate programs are self-sustaining and UVU’s MBA program has annually grown in strength. The Trustees discussed the impact of the Silicon Slopes lecture series and the benefit it has been for both for students in terms of connections and job opportunities and for UVU in terms of drawing in the business community.

Disaster Assistant Emphasis in the BS Emergency Management: The Trustees were told that across the state there is a growing desire to see specialization in disaster assistance among those pursuing Emergency Management degrees. This track will be accommodated by existing courses and faculty with expertise in this area. It will allow students to be better equipped for employment.

BA in French Secondary Education: The Trustees were told that the French Secondary Education degree is modeled after the Secondary Spanish Education degree. The DLI program in Utah makes it necessary to address language in K-12 schools and this program helps to address the associated teaching needs. It allows teachers to teach languages in K-12 schools with full licensure. The program is able to support a substantial increase in capacity, though none is expected.

Graduate Certificate in Mathematics: The Trustees were informed that the Graduate Certificate is integral to the funding UVU received as part of SB 196; UVU will be able to offer scholarships to qualified concurrent enrollment teachers. There is a push to increase concurrent enrollment in mathematics, and it is necessary to have high school teachers prepared with the appropriate level of graduate education to effectively teach college level math courses. The Trustees asked about the length of time to complete the certificate and the requirements necessary for a teacher to enter this program.

BS in Geography: The Trustees were informed that because of technology, a degree in Geography now has growing potential for successful careers and increased interest among students. Through PBA, the program has enough faculty to support a degree program.

AS in Health Science: The Trustees were told that this two year degree will allow students interested in pursuing a health-based bachelors degree to get the necessary prerequisite courses and meet their GE requirements. No new courses will be added; it is simply a repackaging of existing courses.

AS in Intelligence Studies: The Trustees were informed that this program has been offered by the National Guard at Camp Williams. The Guard would like to have college credits offered through UVU; there will be a direct pathway into a UVU bachelors degree program. The program and instructors will remain at Camp Williams.

CP for Digital Media: The Trustees were told that the focus of this certificate is entirely on high school students currently in concurrent enrollment. The courses are already in place, as are the instructors. The certificate will create a bridge for UVU’s digital media program.

Deaf Studies Program Restructure: The Trustees were informed that the requested program restructure will realign existing programs so that the curriculum gives students the opportunity to specialize in either interpreting or take a more general track. The realignment will make the degrees more distinct and easier to complete.

Name Change of the Noorda Theater Program: The Trustees were told that because the Noorda name will now be on the Performing Arts Center, the theater department would like to rename the existing Noorda Regional Theatre Center for Children and Youth. The new name would be Theatre for Youth and Education Center (TYE Center – a reference to Tye Noorda). The family is supportive of this change.

Trustee Acerson moved to approve the academic program additions, restructure, and renaming as presented. Trustee P. Thompson seconded. The motion carried without opposition.

## 8. Real Estate Transactions

The Trustees were asked to approve four real estate transactions beginning with the sale of .6 acres on UVU's West Campus. UVU was offered \$280,119.51 for the land so that a road could be created through it. This price is higher than market value and UVU has no use for the property. The Trustees were then asked to consider a lease with UTA to locate a new Bus Rapid Transit stop on UVU's campus. This stop has good benefits for UVU especially given long-term transportation plans. The Trustees were asked to approve the university's five year capital facilities plan which has as its top priority a new Woodbury School of Business, estimated at \$70m. The other priorities in rank order are a STEM building, an Education building, a Nursing building, and an academic building on the Vineyard campus. Finally, the Trustees considered easements, a restrictive covenant, and development agreement for the property being developed in the Palos Verdes neighborhood. The Trustees were informed that all impacts on UVU's water and sewer systems are secondary (not to the main connection) and the costs will be incurred by the development company. The access easements, development agreements, and restrictive covenants that impact roadways and foot traffic were discussed in terms of the overall campus growth plans. The Trustees discussed possible negative consequences for approving the easements but decided the risks did not outweigh the benefits. Trustee D. Thompson motioned to approve the .6 acre sale of property north of West Campus for \$280,119.51; the UTA Bus Stop lease; the five-year capital facilities plan; and, the Palos Verdes easements, agreements, and restrictive covenants as presented. Trustee Sunderlage seconded. The motion carried without opposition.

## 9. Budgets

The Trustees were presented with the institution's budgets for FY2017-18. These included the 2017-18 Education & General Appropriated Revenue & Expenditure budget, the 2017-18 Educational Disadvantaged Appropriated Revenue & Expenditure budget, the 2017-18 Institutional Discretionary Revenue and Expenditure budget, the 2017-18 Auxiliary Services Revenue and Expenditures budget, and the 2017-18 Institutional Residence budget. They were reminded that many of the decisions about funding came from decisions previously made by the Trustees about programs and initiatives and that although the Trustees are only required by law to approve some of the budgets, UVU feels that it is appropriate to have them approve all that is in the packet. It was noted that the majority of the budget review centers on the Education and General Appropriated Revenue and Expenditure budget. The budget closely reflects the 2016-17 budget. There are changes to the Auxiliary budget because of a reduction caused by income and a return to prerecession levels of institutional interest investment income. More money is being invested with positive returns. The institutional residence budget reflects a roof replacement that is being paid for by DFCN as a result of a lifetime warranty. The financial opportunities presented by changes to Dining Services were discussed and the hope for a radical adjustment with major improvements to services and options was noted. Trustee Sunderlage motioned to approve the 2017-18 Education & General Appropriated Revenue & Expenditure budget, the 2017-18 Educational Disadvantaged Appropriated Revenue & Expenditure budget, the 2017-18 Institutional Discretionary Revenue and Expenditure budget, the 2017-18 Auxiliary Services Revenue and Expenditures budget, and the 2017-18 Institutional Residence budget. Trustee Acerson seconded. The motion carried without opposition.

## II. EXECUTIVE SESSION

Trustee Rob Smith motioned to enter Executive Session to discuss issued related to the character of individuals. Trustee Taylor seconded. The motion carried without opposition.

### I. ACTION (CONT)

#### 10. Naming Opportunities

Trustee D. Thompson motioned to approve the naming opportunities as discussed during Executive Session with recognition that the naming rights would be publicized at a later date. Trustee Sunderlage seconded. The motion carried without opposition.

#### 11. Sabbaticals

Trustee Acerson motioned to approve Spring 2018 Sabbaticals for Reed Criddle and Wayne Hanewicz. Trustee Taylor seconded. The motion carried without opposition.

### III. COMMITTEE REPORTS

Chair Dalton reviewed a newly revised committee structure reflecting the new additions to the Board. The Audit committee was specifically discussed, in particular the need to select a non-Board member replacement for Ron Humphries. Trustee D. Thompson, Chair of the Audit Committee, noted that John Gardner is seen as a strong candidate and would be a great contributor. He will reach out to Mr. Gardner with the hope of engaging him in this role.

Trustee D. Thompson provided the Board with an update of the Audit Committee. He noted that in mid-May, the USHE IT security audit was completed. This involves IT specialists from other USHE institutions attacking UVU's systems to determine and uncover vulnerabilities. UVU's system was not able to be penetrated; Trustee D. Thompson praised the work of Ray Walker and LeRoy Brown in securing the network. He noted that the next meeting will be in October.

Trustee Sunderlage provided the Board with an update on the Finance and Facilities Committee. He noted that the committee met in April and discussed the Capitol Reef building, the Woodbury School of Business development, the Campus Road reconfiguration, and a proposal for new parking at the Provo Airport. The airport parking proposal was not supported and Trustee D. Thompson is helping negotiate better terms. More generally, the committee focuses its attention on cost efficiencies, financial returns, salary equity, scholarships and waivers, and student fees. Trustee Sunderlage discussed support for UVU's engineering initiative and the programmatic advancements and development under new College of Technology and Computing Dean, Saeed Moaveni. The Trustees briefly discussed the Woodbury School of Business development and the need for additional scholarship resources.

### IV. CONSENT CALENDAR

The Trustees discussed the assistant attorney general's request to have the Board of Trustees approve the hiring of an associate general counsel and the Audit Committee's expressed approval and support for continuing to strengthen UVU's legal department. Trustee Acerson motioned to approve the items contained in the Consent Calendar which included the Minutes of March 29, 2017; the 2016-17 Education & General Appropriated Revenue Revision II; the 2016-17 Institutional Discretionary Budget Revision II; the 2017-18 Education & General Appropriated Revenue Revision I; the Investment Reports for Feb., Mar., and Apr. 2017; and, the Associate General Counsel Position. Trustee Smith seconded. The motion carried without opposition.

### V. INFORMATION

Justin Jones, Chief of Staff, reviewed the upcoming dates of importance for the Board which included both UVU ribbon cuttings and events, future Board meetings including the retreat in September, and the Board of Regents retreat at SUU in late July.

#### **1. University Report**

SVP Olson provided the Trustees with an update on the university. He noted that President Holland was very much enjoying his time at Oxford. He reviewed national recognitions given to UVU, including being named in the top ten Best Schools of 2017 by schools.com and receiving a 2017 CASE Educational Fundraising Award for Overall Improvement. SVP Olson reviewed recent hires including Stephen Pullen, Dean for the School of the Arts; Steven Clark, Dean for the College of Humanities and Social Science; and, Stephen Whyte, Associate Vice President for University Marketing and Communication. Attention was given to events hosted on campus in recent months; those highlighted were the Nellesen Autism Building ribbon cutting, 2017 Commencement, and the Business and Economic Forum. SVP Olson closed by noting recent student successes including the gold medal performances of the UVU Dance Team at the Union College Classic, UVU's SkillsUSA team performance at the Utah SkillsUSA competition, and the UVU American Marketing Association first place awards at the International Collegiate Conference.

Trustee Sunderlage motioned to adjourn. The motion carried without opposition.