The State Board of Regents met at the Marriott Hotel, Des Moines, Iowa, on Tuesday, May 5, 1987. The following were in attendance:

Members of the State Board of Regents
Mr. Pomerantz, President
Dr. Harris
Mr. Duchen
Mr. VanGilst
Mr. Greig
Mr. Tyler
Miss VanEkeren (present via conference telephone)
Mr. Fitzgibbon
Mrs. Williams

Office of the State Board of Regents
Executive Secretary Richey
Director Barak
Director True
Assistant Director Peters

State University of Iowa
President Freedman
Vice President Ellis
Vice President Remington
Director Cooper

Iowa State University
President Eaton
Vice President Madden

University of Northern Iowa
President Curris
The following business was transacted on Tuesday, May 5, 1987.

Executive Secretary Richey introduced the three new members of the Board of Regents--John Fitzgibbon, Mary Williams, and Marvin Pomerantz. Members retiring from the board as of April 30, 1987, were Peg Anderson, June Murphy, and President John McDonald.

**ELECTION OF THE PRESIDENT OF THE BOARD OF REGENTS.** Mr. Richey stated it was necessary for the board to elect a member to serve as president for the unexpired portion of the term of John C. McDonald, which ends on April 30, 1988.

Mr. Richey stated it was customary for the executive secretary to preside during the election of the president. He noted Regent VanEkeren would be present via conference telephone.

Mr. Richey stated it would be necessary for the board to determine the method of election, either ballot or oral voting. It was the consensus of the board that the method of nomination and voting would be orally.

The chair requested nominations for the President of the State Board of Regents to serve through April 30, 1988.

**MOTION:** Mr. Fitzgibbon nominated Marvin Pomerantz as President of the State Board of Regents. Mr. Duchen seconded the nomination.

The chair asked if there were additional nominations. There were none.

**MOTION:** Mr. Tyler moved that the nominations cease and that a unanimous ballot be cast for Mr. Pomerantz. Mr. Fitzgibbon seconded the motion, and the motion carried unanimously.

President Pomerantz assumed the chair. He then excused Regent VanEkeren from the remainder of the meeting.
President Pomerantz expressed appreciation to the Regents for their confidence. He said that he had known some of the members for a very long time and others only for only a very short time and that he looked forward to working with all members. He expressed appreciation to the previous board and John McDonald as president for the work that had been done in improving the area of higher education in the state.

President Pomerantz stated there were collectively many talents and skills on the board, and it was his hope to help to be a catalyst to bring forward the best the board has and to work closely with each one of the members. He asked that each member feel free to contact him day or night at any time. He said it was important that the board work closely together to enhance the Regent institutions to the highest possible degree.

Regent Harris thanked President Pomerantz for his remarks. He stated his upcoming remarks did not have any implication on any past president. He said he hoped President Pomerantz would contact him and other board members to inform them as to what had transpired from one meeting to the next. He said he knew it was a big order and time consuming, but he felt very important to inform other members of the board about items of importance such as discussions between the Governor's Office, the Board Office, and the board president. He suggested these contacts to the board could be in the form of telephone calls or memorandums. He said the obvious reason for his suggestion was that informed members were effective members. He noted this would be an additional burden to an already big job.

President Pomerantz stated he felt Regent Harris' suggestion was a good one.

**LEGISLATIVE REPORT.** President Pomerantz recognized Director True to provide the legislative update.

Director True stated the legislative items had been moving very quickly during the past few days. He stated adjournment was expected in a few days. He stated the Governor had the supplemental appropriations bill for the current year on his desk for signature. The bill includes $400,000 for the College of Veterinary Medicine at Iowa State University, $65,000 for the Rural Concern Hotline, and also contains some restrictions on purchases of equipment by Regent institutions. The Board Office, in consultation with past President McDonald, requested that the Governor vetoed these sections.

Director True stated S.F. 511, the principal appropriations bill, contained $6.4 million beyond the Governor's recommendation for Board of Regents institutions. The bill contained language incorporating the board's recommendation on indigent patient care relative to indigent obstetrical care. The bill did not provide for a waiver of medicaid requirements that would allow a contract for services between the University Hospitals and the Department of Human Services.
Regent Harris asked if the Hammond amendment concerning indigent patient care was defeated. Director True stated it was his understanding the amendment was no longer under consideration.

Regent Tyler asked the relationship between H.F. 681 and S.F. 511. Director True stated S.F. 511 included language on indigent patient care which the board had determined to be appropriate. He stated when that bill went to the House, the House chose to strike the language and run a separate bill. Regent VanGilst stated he had done some work on that bill. He said H.F. 681 had gone to the Appropriations Committee. Director True stated as far as he knew the indigent patient care bill would be separate, but things were changing very quickly.

Regent VanGilst stated he had made calls over the weekend and earlier in the week concerning the bills. He said he had a call about an amendment to S.F. 511 which would have earmarked $500,000 out of the general operating budget of Iowa State University for the meat export center. He stated that although the project was of great importance to the university, he discouraged the earmarking of general operating funds.

Regent Fitzgibbon asked if there were specific things the board members should be doing in the closing days of the session.

Regent Duchen stated this was a very complicated process for some of the members because it is not easy to follow the bills and amendments through the various committees. He asked if there were any real disappointments with this legislative session and if it was too late to work on those issues.

Regent Fitzgibbon stated he felt the members could be very helpful, but he was not sure of what was needed.

President Pomerantz asked the status of the appropriations bill and the bonding resolution.

Director True stated they were currently in the House. Director True stated the House cut the universities' general budgets by $6.4 million from the Senate version of S.F. 511. He said indigent patient care was cut by $1.5 million in the hospital appropriation below the Governor's recommendation. Mr. Richey stated that they would like to see that amount restored.

Mr. Richey noted that the Senate had added the $6.4 million to the Governor's recommendations, and the House cut it back to the Governor's recommendations and a bit below.

Mr. Richey stated for the first time there was legislation which would put limitations on the number of full-time equivalent (FTE) positions supported...
by state appropriations at Regent institutions. He said this would be a
great infringement on the board’s governance authority.

Regent Williams stated determination of the number of employees necessary to
staff the institution was a major function of the Board of Regents. She said
if that authority was going to be usurped by the legislature, the board
should take a very strong position.

Mr. Richey stated they had taken a very strong position and have been told
the provision would stay in the bill. Regent Fitzgibbon asked who was
sponsoring the bill. Mr. Richey responded the bill was sponsored by the
Senate Appropriations Committee which was chaired by Senator Welsh.

Regent Williams asked if the provision could be line item vetoed by the
Governor. Mr. Richey stated it was written in such a way as not to allow
veto by the Governor.

President Pomerantz asked for response from the institutions concerning such
a limitation.

Vice President Madden stated the university could probably develop procedures
to work within such a framework. He said programmatically it would be very
difficult especially with grant applications. He said an arbitrary cap on
the number of people would not let the university best utilize its resources.
He said they would have real difficulty with the split between the general
university, experiment station and extension service.

President Freedman gave the following example. He said if there was a
retiring professor with an annual salary of $60,000, and the university made
the decision to replace the professor with two junior faculty at less salary.
He said such a scenario would save money but would cause an increase in FTE.

President Pomerantz asked if a communication from the Regents even at this
late date would be helpful or be counterproductive. Mr. Richey replied it
was his sense that it was already done, and it was too late. Regent Greig
commented it was never too late until the legislation was signed.

Regent Fitzgibbon stated he was meeting later in the day with a group of
legislators. He said he felt once the board had made a commitment, it should
go for it; and, if issues such as the limitation on FTE hinder the process,
the individuals on the board should continue to make such contacts. He said
the thing that was so sad was the discussion was so very late in the session.
He said the board needed to develop communications to keep the group informed
and start thinking about the next session. Regent Duchen stated he agreed
with Regent Fitzgibbon’s remarks.

President Pomerantz stated he felt the board should make its views known in a
strongly worded statement even if it is late in the session.
Regent VanGilst stated he agreed. He asked the reasoning for the limitation on FTE. Mr. Richey stated it related to the legislature's desire to put limitation on other state agencies. He said it was not just a Regent issue. Regent VanGilst stated a funding limitation would have been less damaging. Mr. Richey noted that the example given by President Freedman had been communicated to the board's legislative liaisons.

Regent VanGilst stated it would not hurt for the board members communicate personally with the legislators.

Regent Harris asked how could the board be most effective and if there was a strongly worded statement developed who would receive it. Mr. Richey stated he would recommend the two chairs of the appropriations committees and the remainder of the leadership. Regent VanGilst stated a personal contact would be more effective. Regent Williams stated perhaps the board needed to do both. President Pomerantz stated that one action did not preclude the other.

Director True stated there was an additional amendment to the appropriations bill which would require that the faculty of the Iowa School for the Deaf and the Iowa Braille and Sight Saving School become a part of the United Faculty at the University of Northern Iowa for collective bargaining. Mr. Richey stated he had not seen the language to be able to determine if it could be vetoed by the Governor. Regent Fitzgibbon asked if the board would take a strong position on the amendment. Mr. Richey stated he assumed the position would be as strong as it had been on other issues affecting the board's governance function. President Pomerantz stated it was the consensus of the board that the position be as strong or even stronger.

Director True mentioned that another amendment to S.F. 511 was proposed to establish a consortium of the three universities to coordinate research efforts.

Mr. Richey stated that issue of coordination of research efforts has been an issue during the entire session. It came up with respect to the bonding resolution, and the board was asked to do a study. He indicated that the Interinstitutional Committee had a study underway and present a report to the board in May. He said the issue of a consortium had been before the board before but involved only Iowa State University and the University of Iowa. This amendment mandates all three universities be involved as equal partners.

Regent Tyler asked if the amendment went back to a statement made by Representative Hatch at the appropriations hearing with respect to the cooperation between the three major institutions.

Mr. Richey stated it appeared so, but he was not certain.
Director True stated the lottery appropriations were in a separate bill which had passed the Senate and expected to pass the House. The bill provides $7 million for research and development. He said presently there were $10.5 million in research and development funds available of which the Board of Regents had gotten the vast majority. In addition to reducing the appropriation to $7 million, the bill also provides for a program that would emphasize commercialization of products; and he indicated it was fully expected that would be an important part of the expenditure of the $7 million. The $4.25 million that had been set aside for the agricultural biotechnology at Iowa State University was still in the appropriation, and any money for commercialization would be in addition to that. The commercialization program would be a program where the applications would go directly to the Iowa High Technology Council.

Mr. Richey stated the first issue with respect to the commercialization program would be that a project such as the major laser initiative at the University of Iowa would not have been undertaken. The money would instead go to something that would have a next-day payoff. He said the universities could try to adapt proposals, but such detailed, applied research projects would not fit the missions of the universities well.

President Eaton stated the same would be true with the biotechnology program.

Mr. Richey stated the change would remove the Board of Regents from the process and would allow the institution to go directly to the Department of Economic Development without board having anything to say about it. He stated the Department of Economic Development and its governing board has ignored the priorities set by the Board of Regents in making the final decision about assignment of lottery funds.

President Pomerantz stated the implication of that would be that the institutions set their own priorities whether they are consistent with the board. He asked if that was the way the board wanted to operate.

Regent Williams stated that was not a good way to operate. She said the board needed to reassert that the Board of Regents should a part of the process. Priority setting for the Regent institutions is major part of the board’s governance function.

President Eaton stated he thought the way the board had operated in the past had been most effective. The function the board had performed was to merge all the lists from the universities into the Regents priority list.

Regent Fitzgibbon asked what needed to be done to bring it back into line.
Mr. Richey stated the board could still require the proposals come to it for review. He said the board's general governance authority can require that anything be brought to it.

President Pomerantz stated it seemed if the law were to be passed the only governance function that could be performed would be to be punitive in other areas. He said it everyone did not work together, the implications could be negative. He said he felt it should clearly be stated that it was the intent of the board to function as a board and intends to coordinate for the universities.

Regent Williams stated this was a critical area, and the board needed to take a position.

MOTION: Regent Williams moved that it be the policy of the board to coordinate the activities of Regent institutions to the end that it maintains the ability to set priorities and establish strong recommendations to the legislature and other interested constituencies. Regent Fitzgibbon seconded the motion.

Regent Tyler stated this was a tremendously important point, and it involves how the board would operate. He said it also had implications for the way the institutions operate with the Board Office. He said he wondered, because of the importance of this issue, if the board may want to consider the wording more carefully and submit a resolution in writing at the next board meeting. He said this was terribly important, and it basically will outline how the board will operate, how the institutions will operate with the Board Office and how the Board Office will operate with the board. He said he did not mean to put down the motion but that it was so important that everyone needed to understand was being said.

Regent Williams stated she did not have any problems with that if the board felt it was necessary. She said if there needed to be something immediately to go to the legislature and the Governor perhaps a general resolution could be drafted.

Regent Fitzgibbon stated perhaps the board could go on record at this meeting and then structure a resolution in more detail later. He said timing was important now in order to let the legislature and the Governor know how the board felt.

Regent VanGilst stated he felt very strongly that before a resolution was approved by the board that it be reviewed carefully to assure it was in accordance with the board's Procedural Guide and the Code of Iowa. He said
the board could make a strong statement at this time but not spell out certain things.

President Freedman said the board was really talking about two issues. First was the issue presented by the proposed amendment to remove the board from setting priorities and making recommendations. He said the university brought its rankings to the board, and the board acted on them and integrated the three institutions and to remove that role would be serious. The second concern is that when the final funding decisions were made, they were made without regard to the board’s priorities. He said that was the prerogative of the Department of Economic Development, and he did not know how that judgment was made when the Board of Regents made a different recommendation. He said there was a fundamental policy issue here, and it seemed that choices were being made by the Department of Economic Development by mere labels which seem to be economic development projects.

President Pomerantz stated the board had an issue to resolve. He said the board could make a strong statement as to the general sense of feelings and refer the motion to Mr. Richey and the Board Office staff to come at the next meeting with a formal resolution.

WITHDRAWAL OF MOTION: Regent Williams stated she agreed and would withdraw her motion.

President Pomerantz stated the feelings of the board should be well known based on the discussion.

Director True stated the salary adjustment bill according to the Governor’s Office allocation plans provides $19.5 million for Regent institution. He said the House Appropriations Committee had proposed an amendment to that S.F. 504, the salary adjustment fund policy bill which would affect the allocation of salary adjustment funds and tuition revenues.

Mr. Richey stated the net effect of the amendment would be to take additional tuition earnings received by the University of Iowa and Iowa State University and redistribute that tuition income to the University of Northern Iowa. He said yesterday he had learned that someone from the University of Northern Iowa was working on getting an amendment to the salary bill to get additional funds at the University of Northern Iowa. He said the amendment which came out of the Appropriations Committee was directly contrary to the policy of the Board of Regents.

President Freedman stated the amendment was divisive and unfair.

President Pomerantz asked how such an amendment would get fostered. He said he would like to hear from President Curris.
President Curris stated this was the first time he had seen the amendment, and the amendment did not come from the campus. He said their position has been one of supporting the request for additional funds as approved by the Board of Regents. He said their request has always been for additional appropriations. He said the amendment stemmed from a growing awareness of the inequities and the fact that the University of Northern Iowa received so much less in nonresident tuition. He said there has also been a concern in the General Assembly about the growing discrepancy in faculty salaries at the University of Northern Iowa as compared to the University of Iowa and Iowa State University. He said what the salaries should be has never been addressed, but the gap has been expanding.

President Eaton stated the issue of salaries has come up before. He said he would repeat what he had said at the joint appropriations committee hearing that the discrepancy reflected the type of institution and the respective groups of competing institutions. He said the salaries they had in no way could be compared except in common fields. He said he could provide the board with facts that in some ranks the faculty at the University of Northern Iowa was paid a higher salary than similar faculty at Iowa State University.

Mr. Richey stated the board has had a longstanding practice of comparing these institutions with comparable institutions and rank them within the comparison group. He said all three institutions are well down in the individual comparison groups. The University of Northern Iowa has a strong case for higher faculty salaries to compete with the institutions in its comparison group. The University of Northern Iowa has a strong case for higher faculty salaries to compete with the institutions in its comparison group. He said the board's policy has clearly been that the University of Northern Iowa, particularly given the restrictions of collective bargaining, should compare itself to its own group, not to the University of Iowa or Iowa State University. He said for the issue to be made that there was a growing discrepancy clearly falls outside of the previous board's expectation on this subject.

Regent Williams stated there was a greater issue. She asked what was the appropriate body in terms of any sort of allocations to the institutions. Was it the General Assembly or should it be the responsibility of the Board of Regents. She asked if the General Assembly was supposed to be making these kinds of decisions. She said she thought it was the role of the Board of Regents. She said she was very concerned about the erosion of the mission of the Board of Regents.

Mr. Richey stated the amendment was an indirect way of transferring funds from the University of Iowa and Iowa State University to the University of Northern Iowa. He said the Board of Regents had made its budget request on the basis of policies established for all three universities but taking into consideration the relationship of the three to each other. The salary policy at the University of Northern Iowa was set through the process of collective
bargaining. He said the board’s strategy during collective bargaining was established in executive session in accordance with the Code of Iowa.

Regent Williams asked if the General Assembly routinely did this type of thing.

President Pomerantz stated the board must understand the General Assembly had the ultimate power and can delegate or take authority away.

Regent Williams asked in the past what had been the board’s position on this issue.

Mr. Richey stated that nothing of this nature had been done in the past 17 or 18 years.

Regent VanGilst asked when the Appropriations Committee would take this up. Director True stated the amendment had passed the committee last night and would be taken up on the House floor yet today.

Regent VanGilst asked if the three liaisons would have any influence on this and if the Board Office had been involved.

Mr. Richey stated the passage of the amendment had been reported to him last evening. He said he heard that Lowell Norland of the University of Northern Iowa had been working on an amendment to the salary bill yesterday afternoon. He said he had called President Curris to find out what they were doing because he was deeply concerned that the action might vary from board policy.

President Curris stated that Mr. Norland was not working on this amendment.

President Pomerantz stated there were a couple of issues. One is the level of the salaries at each of the institutions. The other was the ability of the board to act in any kind of rational and effective manner in terms of accomplishing the goals of the institutions and to perform those duties assigned by the law. He said it should be apparent that the board intended to be a strong board, and it will have to have the cooperation of the institutions. He said if the board only got cooperation when it was convenient and serves a particular institution and does not get cooperation when it did not, it would disastrous. He said everyone was going to have to work together. He said there would certainly be discussion, and there would be appropriate processes followed; but when the board came with a policy, it expected the institutions to cooperate. He said if there cannot be that relationship, everyone was in for a very difficult time. He said if there was dissension within the Regent system, the board would lose its effectiveness.

Regent Harris stated it need not be, and it was within the board’s authority to see that it not be.
President Pomerantz stated the amendment did not just happen, it happened for a reason.

Regent Harris stated President Pomerantz had stated the issue very well. He asked how the board should proceed. He said the board had the authority to reassert what would be followed by the institutions, the Board Office and the legislative liaisons.

Regent Fitzgibbon stated the message was there, and it was clear.

Regent Tyler stated he assumed the Board Office would be instructed to oppose this amendment.

Director True stated the opposition would be focused on Section 7 of the amendment and that other sections of the amendment would not be opposed.

Regent Duchen asked about the status of the capital projects.

Mr. Richey stated the bonding resolution was still being addressed. The current draft includes $23.25 million for the laser project, $30.5 million for molecular biology, which is about $9 million less than had been requested.

Regent Duchen asked what would happen next.

Director True stated several things were happening simultaneously. He said classified research was now a separate bill which has been worsened. The classified research bill as it exists would require rule making and involve the legislature and the Governor. The House included additional requirements to encompass restrictive access research and further delineated specifically what the rule making should be. He stated the board had previously opposed this bill, and the board staff was doing everything it could to continue the opposition.

Director True distributed copies of the board's capital priorities. He said the boiler project at the University of Northern Iowa was being handled separately from the bonding resolution. He said the Senate is providing would be $3 million from the oil overcharge appropriations bill to apply toward the total $10.1 million cost. He said along with the $3 million there is legislative intent that the Board of Regents may proceed and that bonding authority or additional appropriations would be approved for the remainder of the cost of the project.

Director True outlined the projects in the bonding resolution as passed by the Senate and the House committee changes. The projects are shown on the following page:
Mr. Richey stated there was still a problem with the resolution in that it allowed for more projects than the Governor had indicated he would approve.

Director True stated the resolution could go to a conference committee.

Mr. Richey stated the conference committee may decide to work it out so it would be approved by the Governor. He said the approach approved by past President McDonald was to restore the laser project to $25 million, the molecular biology facility to $31.5 million, drop the research park and go back to the original approach of remodeling for the first phase of the home economic building.

President Pomerantz asked if the research park project was for planning.

President Eaton stated it would supplement other funds for construction of infrastructure.

Regent Duchen asked about the library automation projects. Mr. Richey stated they were out of the bonding resolution.

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Regent Duchen stated that was the kind of item which troubled him. He said the universities had to continue the automation of the libraries and that nothing was more vital to a university than its library. He said a library was one way the strength of a university was measured.

Regent Fitzgibbon stated all this discussion brought out something to him and that was if the board had a commitment to education, it would have to build credibility and accountability. He said the board had to do a better job of communicating. He said that was the board's biggest mission. He said he felt all the members were committed to education as something on which the state needed to focus. Now the board needed to figure out how to do it.

Director True stated the board would consider preliminary budgets at the next meeting, and the formulation of the budgets hinged on what was yet transpiring in the legislature.

Mr. Richey stated this would be a major problem in getting the information developed in time for the board's review at the next meeting.

PRESIDENTIAL SEARCH, UNIVERSITY OF IOWA. Mr. Richey stated last month the board approved the search process and noted that a standing committee on the campus was already in place and approved the augmentation of that committee to serve as the search committee. The board was presented with a committee membership list. Mr. Richey noted that the committee was well balanced as to gender, and there were two minorities on the committee. He noted the committee included a majority of faculty. He said Director Barak would serve as liaison between the committee and the Board Office and the president of the board. He noted that the board president was an ex-officio member of the search committee. He said Professor Sam Becker was the president of the campus committee, and he was present at the meeting.

Professor Becker stated that five of the colleges were represented on the committee and felt it was widely representative. He said that many faculty and the students would be leaving for the summer before the committee and the Board of Regents have approved the criteria. He asked permission to forward an open letter to the faculty, staff and students of the University of Iowa asked for nominations for the university presidency before they leave.

MOTION: Regent Fitzgibbon moved that the board accept the report of the University of Iowa presidential search and authorize the publication of the request for nominations for the presidency to be published in the Daily Iowan and the FYI.

Regent Greig asked if the board would have the opportunity to add to the committee's membership.
Mr. Richey stated the board could have that option but that it appeared the committee was well balanced, and additions would not be necessary.

VOTE ON MOTION: Approved unanimously.

President Pomerantz stated the next meeting of the board would be at the Iowa School for the Deaf in Council Bluffs on May 20-21. He asked about the necessity for a July meeting.

Regent Harris stated if there wasn't enough business for a meeting, it should not be scheduled.

Regent VanGilst stated he felt the president and the Board Office should determine the need for a meeting. He said he did not like electronic meetings unless they were for a specific purpose such as selling of bonds. He said if there were other items, he felt the public tended to be excluded from electronic meetings.

Regent Tyler asked if that decision had to be made immediately.

Mr. Richey stated notice needed to get out as soon as possible if there was going to be a change.

President Pomerantz stated it seemed like the board should plan on a July meeting.

Regent Fitzgibbon stated it was important to him that he have an opportunity to visit with the university presidents or staff or students. He said the purpose of the meetings would not be to set policy but just to be able to do his job as a Regent better.

Mr. Richey stated such meetings would be acceptable under the open meetings law, and Regents in the past have often met with students and staff.

EXECUTIVE SESSION. President Pomerantz requested that the board enter into executive session to discuss collective bargaining strategy pursuant to Chapter 20.16 of the Code of Iowa. Regent VanGilst moved that the board enter into executive session. Regent Williams seconded the motion; and upon the roll being called, the following voted:

AYE: Duchen, Fitzgibbon, Greig, Harris, Pomerantz, Tyler, VanGilst, Williams.
NAY: None.
ABSENT: VanEkeren.

The board having voted by at least two-thirds majority resolved to meet in executive session beginning at 12:10 p.m. and arose therefrom at 12:30 p.m. President Pomerantz stated no further public business would be conducted until the board convened in open session on May 20, 1987.

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ADJOURNMENT. The meeting of the State Board of Regents adjourned at 12 noon on May 5, 1987.

R. Wayne Richay
Executive Secretary