

**Performance Committee  
Ohio Board of Regents  
Minutes of the Meeting of November 16, 2000**

The meeting of the Performance Committee of the Ohio Board of Regents was held at Procter and Gamble Pharmaceuticals in Mason, Ohio. In attendance were the following:

Ohio Board of Regents members:

Edmund Adams, Committee Chair  
Tahlman Krumm  
Gerald Miller  
Ralph Schey

Ohio Board of Regents staff:

Rich Petrick, Vice Chancellor for Finance  
Deborah Gavlik, Director of Budgets and Resource Planning

Guests:

James Johnson, OFSCTC, Sinclair Community College  
Sarah Williams, Inter-University Council  
Sally Perz, University of Toledo  
Christopher Culley, Ohio State University  
Jan Neiger, Office of the Ohio Attorney General  
Larry Christman, Association of Independent Colleges and Universities of Ohio  
Terry Thomas, Ohio Association of Community Colleges  
Bob Faaborg, University of Cincinnati, Ohio Faculty Council

The meeting was called to order by Regent Adams.

**Review of Bar Passage Results**

Regent Adams reported on the results of summer, 2000 bar exams. Overall, there was a slight improvement in passage rates. The University of Cincinnati had the highest passage rate at 93 percent. The University of Toledo improved the most, from a 63 percent passage rate in July, 1999 to a 78 percent in July, 1999. Regent Miller asked if the law deans from the private institutions had commented on their institutions' passage rates. Regent Adams noted that the presidents of these institutions are concerned about their institutions' rates. Regent Adams said that the Board and Regents' staff have looked at this issue and the amount of state funds that are provided to educate students who will never practice law in Ohio. He said that the Board wants to promote excellence, and that this term does not mean passing on the third attempt. He said that there is a strong correlation between undergraduate grades and bar passage. He also said that rigorous undergraduate programs, regardless of the discipline, prepare students better for law school.

**IUC Principles of Good Practice**

Vice Chancellor Petrick reported on the Inter-University Council's (IUC) principles of good practice regarding tuition and fee payments for masters and professional graduate students. He discussed the three types of financial assistance to graduate

students, and said that tuition scholarships concern the Board of Regents most. Tuition scholarships are awarded under special circumstances to attract or retain certain kinds of students. Under the proposed principles the Regents' Advisory Committee for Graduate Study (RACGS) will review each campus' plan regarding its practices for awarding graduate student financial assistance funded with state subsidy. Regent Adams asked if Regents' staff is satisfied with the IUC principles' document. Vice Chancellor Petrick replied that the issue of tuition scholarships is still a gray area, but that the data Regents will collect will help in distinguishing between scholarships funded through federal grants, those funded with restricted funds, and those funded through special arrangements. Regent Krumm said that in the past, certain institutions waived some of the requirements normally imposed on scholarship recipients. Vice Chancellor Petrick replied that the Toledo Blade focused on the waiver of a thesis for University of Toledo graduate students, but that not all programs absolutely require a thesis.

### **Status Report of Governor's Requested Annual Performance Report**

Vice Chancellor Petrick reported on the status of the higher education performance report, requested by the Governor. He said that Regents' staff are trying to get on the Governor's calendar. Staff was also debating whether to include resource analysis expenditure data in the report. The report will note areas we're not including in the first report, but that may be presented in future reports. Regent Miller noted that there are legal restraints on campus' performance, such as the fee caps. Vice Chancellor Petrick reported that the full performance report would be ready for approval by the Board in December, and that a penultimate version would be sent to Board members prior to the next meeting. Regent Schey commented that he doesn't know what constituencies expect of institutions. A guest from Sinclair Community College, James Johnson, said that levy-supported campuses have to respond to the local community. Regent Krumm noted that mission drives much of what campuses do.

Regent Miller asked if Regents' staff has information showing how Ohio is doing in the area of market penetration as a whole compared to other peer states. He noted that public enrollments at four-year institutions are down, while enrollments at private colleges and public two-year campuses are up. He said that the Board needs to look at this trend.

### **Residential Enrollment Caps**

Regent Miller said that the Board of Regents' mission is to educate as many Ohioans as we can, but that some campuses are held to enrollment caps that were established 30-40 years ago. He fears that Ohio may be losing some of our best and brightest to other states. In response to the question of why the enrollment caps were established, Larry Christman, a former member of the House of Representatives, said that the caps were established in the 1960s. He said that it was a distributive decision so that institutions in Cleveland, Akron, Toledo, and Youngstown would be able to compete with Ohio University, Bowling Green State University, Miami University, Ohio State University and Kent State University. The caps were established to help distribute students across the state. The decision was not based on an optimal size for each campus or an enrollment goal – it was based on the status quo. At that time there was an absence of fee caps. Mr. Christman said that now there are fee caps and enrollment

caps, and that with the moderate increases in state funding for higher education, there had been an adverse effect on academic quality . Regent Adams asked if the Association of Independent Colleges and Universities in Ohio (AICUO) would object if the Board were to recommend removal of enrollment caps. Mr. Christman replied that if the removal of enrollment caps occurred at the same time as the removal of tuition caps, the AICUO might not object. Regent Krumm said that Regents would most likely seek removal of enrollment caps through the budget process. Vice Chancellor Petrick said that he would prepare a briefing paper on the inter-related topics of enrollment caps, tuition caps, dormitory construction controls, service districts and program approval. Regent Adams suggested that we seek feedback on these issues from other sectors. Vice Chancellor Petrick stated that the briefing paper would be a vehicle for that feedback. Terry Thomas of the Association of Community Colleges added that he thinks the association would be supportive of the elimination of the enrollment caps. He also said that we need to have a common understanding of the policy behind service districts. Regent Miller asked Sally Perz, a former House of Representatives member, for her recommendations about how to get the elimination of enrollment caps into the executive budget. Ms. Perz suggested that there might be more opportunity to get the provision into the House version of the bill since new House members are very open to market-based solutions to problems. Vice Chancellor Petrick said that he would send out a draft version of the briefing paper to Board members.

The meeting was adjourned.

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