

ARIZONA BOARD OF REGENTS
MINUTES OF A SPECIAL BOARD MEETING
June 29, 2017

The Arizona Board of Regents held a special meeting at the Arizona Board of Regents office in Phoenix, Arizona on June 29, 2017 at 1:00 p.m.

Present: Regent Ridenour
 Regent Shoopman
 Regent Krishna
 Regent Penley
 Regent Taylor Robson (via phone)
 Regent Myers (via phone)
 Regent Heiler (via phone)
 Regent Manson (via phone)

Absent: Regent Gorshe, Regent Careaga, Superintendent Douglas and Governor Ducey

Also present were President Eileen Klein, Nancy Tribbensee, Jennifer Pollock, John Arnold, Sarah Harper, Kate Linder, Tom Merriam and Suzanne Templin from the board office; President Robert Robbins, Jon Dudas and Laura Todd Johnson from the University of Arizona; President Cheng, Michelle Parker and Christy Farley from Northern Arizona University; and Jose Cardenas from Arizona State University.

Regent Ridenour called the meeting to order at 1:08 p.m.

Regent Ridenour welcomed our new Regent Karrin Taylor Robson to the board.

EXECUTIVE SESSION

Upon motion by Regent Krishna, seconded by Regent Penley, the board voted to move into executive session.

The board recessed to executive session at 1:12 p.m.

PUBLIC SESSION

The board reconvened in public at 2:32 p.m.

Regent Ridenour, again publically welcomed our new Regent Karrin Taylor Robson to the board. She is Founder & President of Arizona Strategies. Ms. Taylor Robson's service on many government, community and economic development organizations as well as her extensive background in law, land use and development will be a tremendous asset for the board.

The Board may provide direction and/or take possible action regarding Item A pertaining to the Arizona Court of Appeals decision in State of Arizona v. Maricopa County Community College District Board (Item 1)

Regent Ridenour commented that the board met for legal advice and to discuss the recent Arizona Court of Appeals ruling regarding DACA students – which reverses a decision in 2015 from the Superior Court permitting in-state tuition for DACA students. The ruling of the Court of Appeals was without doubt difficult news for the DACA students currently at our public universities. Maricopa County Community College District announced it will petition the Arizona Supreme Court to review the Court of Appeals' decision.

The board knows these students and our universities need certainty, especially with school starting in just a few weeks. The board wants to provide that certainty and be clear on our tuition policy position.

Regent Ridenour stated that the Arizona Board of Regents will continue to allow eligible DACA students to pay in-state tuition while the decision of the Arizona Court of Appeals regarding the State of Arizona v. Maricopa County Community College District is under review by the courts.

Upon motion by Regent Ridenour, seconded by Regent Krishna the board approved the statement.

Regent Krishna supports the statement and commented that he believes that the students were already guaranteed that the tuition rates would not change for four years. DACA students need the board's support and until the outcome of the appeal the board should continue in-state tuition.

Regent Penley commented that he is supportive at this time. The statement helps to clarify to the students the kind of tuition rate they are going to have this fall. It also helps with the fact that many families have made decisions from fall about coming to our public universities. He believes the board is committed to increasing the number of people who have access to higher education, and hopefully graduate from our universities in the state of Arizona. This helps provide that access, so he is very supportive.

Regent Shoopman commented that one of the things this board strongly believes is that they want to provide access and as low as possible tuition, within the confines of the reality that they find themselves. All students who attend the universities and especially those who graduate have better futures guaranteed. The board wants that for all the young people and in fact everyone who attends our universities. He is supportive of this decision.

Regent Myers commented that he supports this position from the board and he believes that until we have federal law that is contrary to our ability to do this and that it is the right thing for the board to continue to offer the in-state tuition.

Regent Heiler commented that he deeply respects the conclusion from his colleagues on the board. He shares the policy goal in terms of gaining clarification from the Congress and the administration, which he hopes will be forthcoming soon. that would support the DACA student population in Arizona or elsewhere. He cannot support the motion today because of the Court of Appeals decision. He feels this board needs to honor the Court of Appeals decision just as we followed the court ruling at the District Court level. He supports the policy goals, to provide access to higher education for these students and he would take an alternate course and go back to our differentiated rate which complies with Arizona State law until the issue is resolved, hopefully in favor of the students.

Regent Ridenour asked Nancy Tribbensee to outline the differentiated policy. Nancy shared in 2015 the board adopted a non-resident tuition policy which allows the board to charge 150% rate for students who are graduates of Arizona high schools and who are not eligible for the in-state rate. The 150% rate has been in effect and remains in effect. DACA students could have taken advantage of that rate, but many DACA students who are otherwise eligible for in-state tuition have taken advantage of the ability to get in-state tuition. Other students who are not DACA students are also eligible for that 150% rate. It is not exclusive to DACA students, it could be for students who were no longer eligible to get in-state tuition because they have left the state. The state has invested in those students and they are welcomed back, and encouraged to return to our universities and to complete their degrees.

Regent Ridenour called for a vote. The motion carried by majority vote with 7 “Ayes” and 1 “Nay”.

ADJOURNMENT

Upon motion by Regent Shoopman, seconded by Regent Krishna. The meeting adjourned at 3:00 p.m.

Submitted by:

Suzanne Templin
Assistant Secretary to the Board