

MINUTES
EDUCATION COMMITTEE, BOARD OF REGENTS
University of Wisconsin-Madison
Madison, Wisconsin
June 4, 2009

Regent Davis convened the meeting of the Education Committee at 1:09 p.m. Regents Davis, Crain, Cuene, Loftus, Spector, and Thomas were present. Regents Bartell, Drew, and Vasquez joined the meeting in progress.

1. UW-Milwaukee Charter School Contract Extension for the Tenor High School

Regent Davis introduced Dr. Robert Kattman, Director of the Office of Charter Schools at UW-Milwaukee. Dr. Kattman informed Committee members that one of the charter schools previously authorized by the Regents—the Academy of Science—was no longer a UW-Milwaukee charter school. He then presented the request that the Committee approve a five-year contract renewal for the Tenor High School. He noted that the school was operated by Seeds of Health, a non-profit focused on the educational and health needs of Milwaukee women and children. Dr. Kattman introduced Marcia Spector, Executive Director of Seeds of Health, David Hase, Chair of the Board of Directors, and Jodi Weber, Principal of Tenor High. He described Tenor High's focused mission, which offers students the opportunity to earn both a high school diploma and a Milwaukee Area Technical College (MATC) certificate in a specific area of concentration. Many students avail themselves of this opportunity, thus completing high school with college credit and poised to continue at MATC or elsewhere. Dr. Kattman called Tenor High a model school, stating that it was financially sound, its students were performing well across a variety of measures, and the school had strong parental involvement, leadership, and a good relationship with MATC.

Committee members examined ways in which Tenor High, as a model charter school, might be replicated. Ms. Spector commented that she had recently met with Tony Evers, incoming State Superintendent of Public Instruction, on the topic of replication. The Committee discussed how to widen the impact of the charter schools that are doing just what they are supposed to: working to create innovative and successful learning environments for some of Milwaukee's most at-risk students. Dr. Kattman mentioned that he and Ms. Spector were exploring more rigorous benchmarks by which to measure student success in the future. Committee members also talked about the ways in which UW-Milwaukee and other UW System institutions could advance the research into charter schools, resulting in better prepared students and teachers, especially for urban environments as challenged as Milwaukee.

Committee questions focused on the challenges facing Tenor High, the source of the school's teachers and teacher preparation, and the certificate program with MATC. In response to a query from Regent Thomas, Committee members and presenters spoke of the enormity of the challenges facing the Milwaukee Public School System and how the Board of Regents might work to address specific challenges. Dr. Kattman, Ms. Spector, and Mr. Hase suggested more involvement from UW-Milwaukee students at charter schools, better and more rigorous evaluation done of schools like that done by the Office of Charter Schools, and increased

education of legislators on the potential of charter schools to deliver innovative public education. Regent Crain advocated for the Board's continued focus on the wider, more systemic impact that charter schools could have, as a part of its oversight role.

I.1.a.: It was moved by Regent Crain, seconded by Regent Cuene, that upon recommendation of the Chancellor of the University of Wisconsin-Milwaukee and the President of the University of Wisconsin System, the Board of Regents approves the extension of the charter school contract with the Seeds of Health, Inc., together with amendments to the contract, to maintain a charter school known as the Tenor High School.

The resolution PASSED, with all Committee members voting in the affirmative with the exception of Regent Spector. Regent Spector recused himself from the vote because of a personal connection to the school.

Regent Davis thanked Dr. Kattman and commended the principal, teachers, and directors at Tenor High and Seeds of Health for their dedication and commitment.

2. UW-River Falls: Presentation of Campus Academic Plan

Regent Davis welcomed incoming UW-River Falls Chancellor Dean Van Galen to the UW System, and then introduced Connie Foster, the outgoing Interim Chancellor who was reverting back to her former role as Interim Provost, and Terry Brown, outgoing Interim Provost who was returning to her role as Dean of the College of Arts & Sciences. In presenting the UW-River Falls campus academic plan, Drs. Foster and Brown described the university's successful reaccreditation by the Higher Learning Commission, some of its signature programs in agriculture, teacher education, STEM education, and a range of high-impact teaching practices of which the campus was proud. The campus had revised its general education program in 2004, developing student learning outcomes that aligned well with the outcomes championed by the Association of American Colleges & Universities through their Liberal Education and America's Promise or LEAP Campaign.

Drs. Foster and Brown also briefed the Committee on the process by which the campus had reexamined its entire program array. During the past two years, Dr. Foster and Dr. Brown had led a comprehensive and rigorous campus-wide review of every program—majors, minors, emphases, tracks, etc. The existing array was considered untenable, even before the economy began to worsen, the size being both a dilution of the institution's mission and consisting of academic programs that were neither effective nor sustainable. While somewhat contentious, the process required that the entire campus agree to conduct a review that would allow for real change in the institution's program array. The result was a recommendation that 20% of the university's programs be enhanced, 60% maintained, and 20% eliminated, reduced or re-thought. In the coming year, the campus would work to implement the recommendation.

Committee members expressed how impressed they were by the program review process, and also with the university's sense of identity and awareness of its strengths as well as

challenges. Regent Davis commended the interim leadership at River Falls, observing that that it was handing over an institution in strong shape to Chancellor Van Galen.

3. First Readings of Revised Missions: UW-Stout and UW-La Crosse

The Committee then heard first readings of revised missions at UW-Stout and UW-La Crosse. Provost Julie Furst-Bowe described the process followed by UW-Stout in revising its mission. Stout was guided throughout by its polytechnic mission and values, as well as a vision for where the institution hoped to go in coming years. The revised mission was arrived at through campus-wide feedback on several iterations, and was ultimately endorsed by all three campus governance groups.

Provost Kathleen Enz Finken explained that UW-La Crosse had not revised its mission in 20 years and the entire institution agreed that a more current statement was needed to reflect the university's identity. The revision process was similar to that used by UW-Stout. In the end, governance groups were given five different mission statements to consider and, serendipitously, she noted, each group agreed independently on the same one. In response to a question from Regent Spector, Provost Enz Finken emphasized that UW-La Crosse did not have a select mission as Stout did and the new mission statement sought to capture the institution's dynamism in a more comprehensive statement.

Regent Davis commended the campuses for the inclusive processes they had followed in revising their missions, allowing for repeated input from governance groups and faculty, staff, and students campus-wide. She reminded Committee members that the next stage in the mission revision process was for both campuses to conduct public hearings of their new mission statements, presided over by a Regent. Following the public hearing, each campus would bring back its proposed mission to the Board for its approval.

4. Committee Consent Agenda

The Committee agreed to act on its committee consent agenda out of order so that institutional personnel awaiting the Committee's action would not have to remain at the meeting throughout what was sure to be a lengthy discussion of Chapters UWS 17 and 18. Regent Davis then moved adoption of the minutes of the May 7, 2009, meeting of the Education Committee, and the Joint Meeting of the Education and Business, Finance, & Audit Committees, as well as the following resolutions as consent agenda items:

Resolution I.1.d.(2), authorizing implementation of the B.A./B.S. in Women's Studies at UW-La Crosse;

Resolution I.1.d.(3), authorizing implementation of the B.S. in Game Design and Development at UW-Stout;

Resolution I.1.d.(4), authorizing implementation of the B.S. in Property Management at UW-Stout.

Resolution I.1.d.(5), approving two UW System appointments to the Natural Areas Preservation Council; and

Resolution I.1.f.(6), approving the proffer from the Trustees of the William F. Vilas Trust Estate for support of scholarships, fellowships, professorships, and special programs in arts and humanities, social sciences and music.

The motion was seconded by Regent Spector and carried on a unanimous voice vote.

5. Approval: Revisions to Chapters UWS 17 & 18

At the request of Regent Davis, Senior Vice President Martin agreed to delay her report until after the deliberation on Chapters 17 & 18. Regent Davis turned to Regent Spector, to enumerate for the Committee what had been done in the month since the May meeting, when approval of the revisions to Chapters UWS 17 & 18 had been postponed. Regent Spector expressed his appreciation for the work done by Regent Colleene Thomas, UW System General Counsel Pat Brady and staff, Senior Vice President Rebecca Martin, Assistant Vice President Larry Rubin, and, above all, Jane Radue, Assistant Director in the Office of Operations Audit & Review. Regent Spector reminded the Committee that it had postponed action so that additional information could be gathered from the campuses, further consultation could take place with a couple of key constituents, and additional revisions to the proposed rules could be considered. Regent Spector referred to the additional information collected from the campuses, calling most noteworthy the fact that, overall, there were not a lot of suspensions systemwide, and there were even fewer expulsions, in any given year. He then reviewed the revisions made since May. Two of the most significant changes were in the section detailing the information provided to students under investigation, and in the section addressing attorney participation at nonacademic disciplinary hearings. Regent Spector explained the changes made and the reasons behind them. The changes reflected significant discussion and consultation, and sought to balance the vital interests of students, institutions, and communities. He acknowledged that not everyone would agree with the final changes made but that there had been a rich exchange of ideas and viewpoints, and a great deal of conscientious deliberation.

In discussion, Committee members focused on the language changes in two sections of Chapter 17 in particular, comprising changes that sought to clarify and emphasize both the educational purpose of the misconduct hearings, and the expectation that students would participate and speak for themselves at their hearings. Regents Bartell, Drew, and Vasquez joined the meeting, and Regent Bartell engaged in a series of exchanges with Regent Spector seeking to clarify understanding of the language on misconduct hearings and the extent of the hearing examiner's authority in determining the conditions under which a witness could be questioned. In response to a question from Regent Vasquez, General Counsel Brady affirmed that there would be both a FAQ and some training for the institutions on how to implement the revised rules. Committee members expressed their strong support for both the FAQ and the training.

Regent Loftus expressed his intention to move to table in committee further discussion of the rules, and provided reasons why the rules were not ready, in his mind, to be forwarded to the Legislature.

In response to a question from Regent Crain, Ms. Brady explained the conditions under which an attorney could ask questions during a misconduct hearing, noting that the hearing examiner retained the discretionary authority for both the placement of students and the role attorneys could play in hearings. Regent Thomas described input she had received from student leaders at UW-Madison on this question. Regent Bartell suggested that the Committee should consider additional language that would amend the rules in order to further emphasize the hearing examiner's authority in determining how best to run a misconduct hearing.

Regent Cuene expressed her unease with rewriting the rules in committee and wondered if additional time should be taken given the lingering questions generated by the Committee's current deliberations. Regent Davis responded that she was hearing one concern only and that after a two-and-a-half-year process, she felt that the Committee was close to consensus. Committee members discussed several courses of action for how they might proceed.

Regent Loftus then moved to postpone voting on the resolution until the next meeting of the Committee, and Regent Cuene seconded.

In the discussion following Regent Loftus's motion, Regent Spector expressed the need to act so that the rules could be in place by fall, as was the agreement all along, and Regent Crain concurred. She added that she felt an amendment to the rules would be appropriate, given the remaining uncertainty over the authority of the hearing examiner.

The Committee then voted on the motion made by Regent Loftus to postpone. Regents Loftus and Cuene voted in favor of the motion; Regents Davis, Spector, Thomas and Crain opposed it.

The Committee then agreed that Regents Spector, Bartell, and Thomas, in collaboration with General Counsel Brady and Ms. Radue, would leave the meeting room to develop new language to add to Chapter 17.12(4)(c) addressing the authority of the hearing examiner. Upon their return, they presented a new sentence to add to 17.12.(4)(c). The new language specified that the hearing examiner "may take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony." Regent Spector explained that the amendments to the language were written to allow latitude and flexibility in how hearing examiners and other campus personnel could use their professional judgment to ensure both due process for students under investigation, and sensitivity towards victims of crimes.

Regent Spector moved, and Regent Crain seconded, approval of the changes to Chapters UWS 17 and 18 presented in the Board materials, along with the addition to Chapter 17.12(4)(c) as noted above. That motion carried.

I.1.f.: It was moved by Regent Spector, and seconded by Regent Crain that, upon

the recommendation of the President of the University of Wisconsin System, the proposed rules amending Chapters UWS 17 and 18, Wis. Admin. Code, are hereby approved, together with the “Report to the Legislature, Clearinghouse Rule 08-099,” and that the Secretary of the Board of Regents, pursuant to s. 227.19, Wis. Stats., notify the presiding officer of each house of the Legislature that the proposed rules are in final draft form, and cause a statement to appear in the Wisconsin Administrative Register that said proposed rules have been submitted to the presiding officer of each house of the Legislature.

Prior to voting, Regent Loftus engaged in further discussion with Regent Spector and General Counsel Brady on the rule provisions for student access to attorneys in misconduct hearings.

In a roll call vote requested by Regent Loftus, Resolution I.1.f. PASSED, with Regents Davis, Crain, Cuene, Spector and Thomas voting in favor and Regent Loftus opposed.

Regent Davis added her appreciation to all those people who had devoted so much time and energy to the rule revision process, including the Chapters 17 & 18 Review Committee, Pat Brady, Jane Radue, and Regent Thomas. She commended, in particular, Regent Spector for his leadership on a complex rule revision process, and his remarkable efforts to make sure that all voices could be heard, and to balance the competing interests and concerns of many different constituents. She added her opinion that, despite a few protests to the contrary, the entire process had been open and transparent, and had had enormous integrity.

6. Report of the Senior Vice President

a. Follow-up on March Discussion of Plan 2008 and Inclusive Excellence

Senior Vice President Martin reminded the Committee of the discussion held at the March policy meeting on the *Plan 2008* Final Report and Inclusive Excellence. She asked members what their “stand-out issues” were from that meeting, and to which they would like to return at future Committee meetings. Committee members asked that the Senior Vice President develop a list of what her office considered the most pressing issues based on both the March discussion and those topics that emerged as requiring greater attention when the annual accountability report had been presented in April. Senior Vice President Martin agreed that she would bring such a list back to the Committee in the fall.

b. 2009-10 Report on Promotions, Tenure Designations, and Related Academic Approval Items

Senior Vice President Martin then turned to the 2009-10 Report on Promotions, Tenure and Related Academic Approval Items. She reminded Committee members that each spring, the UW System Office of Academic and Student Services compiled data on tenure designations, promotions, and new tenured appointments made at the fifteen UW institutions. Promotion decisions were made at the institutional level. Regent action each June was the final step in the

process by which faculty received tenure. Dr. Martin also reviewed the tenure and renewal data disaggregated by minority status and gender, supplemental data that the Committee asked for each year. Commenting that 98% of those who were considered for tenure in 2009 system-wide had received it, she explained that this did not mean that everyone who was hired received tenure in the UW System. Rather, it meant that, somewhere along the usually six years it takes to come up for tenure, some individuals were not renewed. Those who were had received lots of support along the way.

The Committee engaged in discussion, with input from the Provosts at UW-Milwaukee, UW-Parkside, UW-Stout, and UW-Stevens Point, on the kinds of investments institutions make when they hire new faculty, and the lengths to which they go to regularly evaluate and mentor them so that they can succeed.

I.1.e.(2): It was moved by Regent Crain, seconded by Regent Cuene, that, upon recommendation of the respective Chancellors and the President of the University of Wisconsin System, the 2009-10 Report on Faculty Promotions, Tenure Designations and Other Changes of Status be approved.

The resolution PASSED unanimously.

Committee members extended their congratulations to all those UW System faculty members who had earned tenure, and thanked them for their hard work and commitment to student learning.

7. Full Board Consent Agenda

Resolutions I.1.a., I.1.d.(2), I.1.d.(3), I.1.d.(4), I.1.d.(5), I.1.d.(6), and I.1.e.(2) were referred to the consent agenda of the full Board of Regents at its Friday, June 5, 2009, meeting. It was agreed that Resolution I.1.f., would be brought separately before the full Board of Regents at its Friday meeting.

The meeting adjourned at 3:59 p.m.