

MINUTES
EDUCATION COMMITTEE, BOARD OF REGENTS
University of Wisconsin-Milwaukee
Milwaukee, Wisconsin
May 7, 2009

Regent Davis convened the meeting of the Education Committee at 1:05 p.m. Regents Davis, Crain, Cuene, Loftus, Spector, and Thomas were present. Regents Walsh and Bartell joined the meeting in progress.

1. Doctoral Program Authorizations

a. Doctor of Nursing Practice at UW-Eau Claire and UW-Oshkosh

Regent Davis welcomed everyone to Milwaukee before turning to Senior Vice President Rebecca Martin to introduce the presentation of three doctoral programs. Dr. Martin reminded Committee members of the presentations they had heard in the last year and a half on professional doctoral programs in general, and the Doctor of Nursing Practice (DNP) degree in particular. The Committee had heard both a presentation on the need for DNP programs throughout Wisconsin and the country, and a report of the Nursing Education Task Force which provided a statewide perspective on changing practice requirements for nurses, nursing education, and workforce needs. The Committee had also engaged in a policy discussion on allowing the comprehensives to offer professional doctorates in general, and reviewed guidelines outlining the conditions under which the comprehensives could offer such degrees. Dr. Martin then turned to Marty Wood, Interim Provost at UW-Eau Claire, and Al Hartman, Interim Provost at UW-Oshkosh to introduce their institutions' DNP programs.

Provost Wood described the productive collaboration between UW-Eau Claire and UW-Oshkosh as they worked to develop the two DNP programs. He introduced several members of the Eau Claire nursing faculty, including Interim Dean Mary Zwygart- Stauffacher and Professor Rose Jadack. Provost Hartman observed that he had appeared before the Education Committee five years earlier to present the collaborative online MBA, in his previous role as Business Dean. That collaboration had proven very successful and he expressed his confidence that the collaboration on the DNP program, which was designed to allow degree-granting authority separately to each of the two UW institutions, would prove equally successful. He then introduced his colleagues from Oshkosh: Assistant Vice Chancellor Carleen Vande Zande, Rosemary Smith, Dean of the College of Nursing, and Roxana Huebscher, Graduate Program Director in Nursing.

Dr. Huebscher then described the collaborative Doctor of Nursing Practice degree program, emphasizing that it was an advanced level clinical or practice degree, not a research-focused degree. She outlined the growing complexity of health care demands, leading to increased knowledge and skill sets for nurses. She described the dire need for more primary care providers, nurse administrators, and nursing faculty across Wisconsin and the country. She also pinpointed the ways in which both UW-Eau Claire and UW-Oshkosh had met the criteria established by the Board for approval of professional doctorate programs offered by comprehensives. She detailed the specifics of the collaboration between Eau Claire and

Oshkosh, and highlighted the distinct areas of specialization that each campus would have in offering the DNP. Both campuses would offer specializations in Family Nurse Practitioner and Adult Nurse Practitioner; UW-Eau Claire would offer additional specializations in Clinical Nurse Specialist and Nursing Administration.

Regent Davis confirmed for the Committee that, although the programs were presented collaboratively, they would be voted on separately. In response to a question from Regent Loftus, Interim Provost Hartman replied that the funding to support two new nursing faculty at Oshkosh would come from course fees. Regent Cuene commended the two campuses for their collaborative effort to meet the needs of adult learners and the programs' hybrid offerings. Regent Crain concurred and asked whether the two areas of specialization common to both campuses were the most common. Dr. Huebsher responded that, nationally, adult gerontology was a particularly needy area and Dr. Jadack elaborated on family practice nurses.

In response to questions from Regent Davis, Dr. Huebscher answered that, over the next few years, both UW-Oshkosh and UW-Eau Claire would transition out of the Master of Nursing program. Observing that the DNP would benefit from existing practices to recruit diverse student pools, Regent Davis asked about the success thus far. Dr. Huebscher described several programs for nursing students at UW-Oshkosh, including: a student-led migrant clinic run through a mobile van; community and tribal clinics; correctional clinics; and student travel to more challenged places like Appalachia and Haiti. Dr. Jadack listed similar experiences for UW-Eau Claire students, including travel to Mexico and the Texas-Mexico border. She added that many of Eau Claire's nursing students were adult learners and the program was set up for them to do clinical work in their own communities. Dean Smith described the more holistic admissions process being used by the UW-Oshkosh College of Nursing, to look beyond GPAs to experience locally and abroad. This process was noticeably changing the student body, bringing more diversity to Oshkosh in terms of race and ethnicity and other ways as well. Provost Wood added that the Associate Dean of Nursing at Eau Claire was a member of the campus's Equity Scorecard team and working very hard to look at the representation of students in nursing. Regent Crain mentioned her appreciation that both programs indicated the increasing number of males entering nursing as another aspect of diversity.

Regent Davis then called for motions to be made on both DNP programs.

I.1.a.(1): It was moved by Regent Spector, seconded by Regent Thomas, that, upon recommendation of the Chancellor of the University of Wisconsin-Eau Claire and the President of the University of Wisconsin System, the Chancellor be authorized to implement the Doctor of Nursing Practice at UW-Eau Claire.

The resolution PASSED unanimously.

I.1.a.(2): It was moved by Regent Cuene, seconded by Regent Crain, that, upon recommendation of the Chancellor of the University of Wisconsin-Oshkosh and the President of the University of Wisconsin System, the Chancellor be authorized to implement the Doctor of Nursing Practice at UW-Oshkosh.

The resolution PASSED unanimously.

b. Ph.D. in Clinical Investigation at UW-Madison

Regent Davis invited Dr. Christine Sorkness, Senior Associate Director of the UW-Madison Institute for Clinical and Translational Research, to the podium to present the Ph.D. in Clinical Investigation. Dr Sorkness described the Clinical Investigation Ph.D. as an emerging field focused on providing clinicians with rigorous training across multi-disciplines to conduct cutting-edge research. Targeted toward professionals and adult learners, the degree would help prepare future generations of clinician-scientists to lead multidisciplinary research teams and to translate scientific discoveries into applications that will improve human health. She explained that the UW School of Medicine and Public Health had received \$41 million in NIH funding to establish the new Institute for Clinical and Translation Research, and the Institute would house the new Ph.D. program along with a spectrum of other clinical research initiatives. The program was interdisciplinary and collaborative at its core, involving the UW Schools of Medicine and Public Health, Nursing, Veterinary Medicine, Pharmacy and the College of Engineering, as well as the Marshfield Clinic.

Dr. Sorkness cited the extent to which the new program would align with the strategic priorities of UW-Madison, including the university's commitment to diversity. The Ph.D. in Clinical Investigation, like the entire School of Medicine and Public Health, worked to prepare clinicians and scholars who understood the health care challenges, disparities, and needs of diverse individuals and populations. The program was also working to recruit, admit, and graduate a diverse student body. She enumerated several health areas in which the program would have both a state and nationwide impact, including through the development of vaccines for emerging flu strains, advancements in Alzheimer's treatment, strategies to reduce antimicrobial resistance, and work on the prevention of Type 2 diabetes in children.

Regent Crain thanked Dr. Sorkness for the presentation of such an interesting program. Regent Davis commended the program's focus on cutting-edge research and the specificity of its diversity section. In response to a question from Regent Davis on the success to date of these strategies, Dr. Sorkness described some of the steps being taken to enact culture change. The program was so diverse and multi-disciplinary to begin with that it was natural to reach out to a diverse set of students, including more "senior" individuals—both men and women—thinking about research careers. She mentioned several pilot projects, including a new collaborative center for health equity, which was focusing on addressing health disparities in rural and urban populations.

Regent Davis then called the motion.

I.1.a.(3): It was moved by Regent Crain, seconded by Regent Cuene, that, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, the Chancellor be authorized to implement the Ph.D. in Clinical Investigation at UW-Madison.

The resolution PASSED unanimously.

Regent Davis expressed the Committee's appreciation to all the presenters of the three doctoral programs.

2. Approval: Revisions to Chapters UWS 17 & 18 of the Wisconsin Administrative Code

Regent Davis reminded the Committee of its discussion last October of the proposed revisions to Chapters UWS 17 & 18, and described the process that had been followed since that time in moving the proposed revisions forward. Following the October discussion, the Committee authorized submission of the agreed-upon draft rule revisions to the Wisconsin Legislative Council Rules Clearinghouse for its review. There was also a Regent-convened public hearing in Milwaukee, presided over by Regent Spector, and additional input has been received from a wide spectrum of interested parties since that time. The action now before the Committee, continued Regent Davis, was to approve the final draft rules for submission to the Legislature, with the goal of having the new rules in place by September 2009.

Regent Davis thanked Regent Spector for his leadership of the rule revision process. She noted that she had received at least one formal request from campus staff to address the Committee, and that she intended to have an open process in which all viewpoints could be expressed. She suggested guidelines for all speakers in making remarks, emphasizing that if a point had already been made, that it not be repeated by subsequent speakers. As Chair of the Education Committee, she commended all those who had been involved in the rule revision process for the past two-plus years. The fact that additional changes were made after the March 5 public hearing, in response to continued feedback on the rules, reflected the openness of the process and the effort to hear all viewpoints.

Regent Spector described the March 5 public hearing, commenting on the UW students and the Milwaukee neighbors who spoke at length on the proposed revisions. He mentioned the attendance of members of a Philadelphia organization, concerned with due process for students at universities. Based on the input received at the public hearing and since, he then summarized the key points he felt the Committee should attend to as it considered action on the proposed rule revisions, points having to do with both process and substance.

On the substantive side, Regent Spector pointed to the earlier discomfort with the whole idea of expanding the jurisdiction of the university's disciplinary code to off-campus conduct. He added that since October, there was less stated concern, in general, with regulating misconduct outside of university lands. The role of attorneys in campus misconduct hearings is another area of concern. He commented that the question of municipal violations was another point of contention to some people, in particular the change in the language from "serious or repeated" to "serious and repeated." There was concern by neighbors of students living off-campus that the change would not allow for real discipline of bad behavior. Finally, he noted, there was concern with what work product of the hearing investigator should be disclosed to the student or the student's representative and when.

Regent Spector recognized that certain faculty had expressed the concern that there had not been meaningful faculty involvement under shared governance for the most recent set of revisions, despite the fact that faculty had known about the public hearing and could have attended, as so many students did. He also acknowledged the discomfort of some members of the Chapters UWS 17 & 18 Review Committee, who were not involved in the final changes that were made after the public hearing.

Regent Davis welcomed Regent Walsh, UW System General Counsel Pat Brady, and Jane Radue, Assistant Director in the Office of Operations Review and Audit, to the table. She then turned to her fellow Committee members for their questions.

In response to a question from Regent Crain, Ms. Radue answered that it was possible that some of the revisions made most recently had been previously rejected by the Review Committee. Regent Crain suggested, therefore, that these most recent revisions might be more of a significant issue for people. Ms. Brady provided additional background to the rule revision process as required by statute, emphasizing, in particular, the continuous revising that occurs along the way in response to feedback issued throughout.

Regent Loftus stated a number of concerns, including his belief that the proposed rule revisions before the Committee threatened the constitutional rights of students and went to the core of what should—and what should not be—the relationship between faculty and students. He cited the letter sent to Regents on May 5, signed by the Dean of Students at UW-Madison and co-signed by other student affairs personnel on the Madison campus. That letter summarized the points of contention still at issue for student affairs personnel. He also suggested that additional consultation was needed with faculty governance. He observed that, to his way of thinking, there were two questions before the Committee: should it approve the responses to the Legislative Clearinghouse, and should it approve the proposed revisions.

Regent Davis responded that her understanding was that the Committee had before it a resolution to approve the proposed rules, and that Committee members' thoughts on the responses to the Legislative Clearinghouse were outside the purview of its action. Regent Loftus countered that the individual responses to the Clearinghouse were necessary in helping the Committee to determine whether or not to approve the rule revisions. Regent Davis pointed out that the May 5 letter spoke only to one component of the revisions: the role of the advisor in the student misconduct hearing.

Regent Spector said that the lawyer from the Philadelphia organization had also raised an objection that the rules as proposed would risk the due process of students. He referred Committee members to the policy statement added following the public hearing to the beginning of UWS 17, which was intended to be a statement of intent that the constitutional rights of students would not be restricted.

Regent Walsh informed Education Committee members of his great interest in the discussion, adding that the meeting of the Capitol Planning and Budget Committee, of which he was a member, had not yet started. The May 5 letter, he stated, was only one issue. He suggested that the Regents be careful about deferring their action because of a letter sent “at the last minute” from a UW-Madison faculty member raising questions about appropriate shared governance involvement. He reminded his colleagues that the rule revision process had been going on for over two years and that many students had been involved.

Regent Cuene asked to hear from speakers about the two things that concerned her the most: the difference between the conjunctions “and” and “or” between “serious” and “repeated” municipal violations, and the proposed change in the role of attorneys at misconduct hearings. In response to Regent Cuene's first concern, Ms. Radue explained the import of the insertion of the word “and” between “serious” and “repeated.” Any municipal violation for which a student

could be disciplined would have to be serious and repeated, not just one or the other, in addition to affecting a substantial university interest. This revision was based student comments from the public hearing. Regent Thomas added that students were pleased with this change. As for the role of the advisor, she added that there had been, and still were, opposing viewpoints expressed by students on the topic.

Regent Davis turned to the Chancellors and Provosts, to give those who wanted an opportunity to speak. UW-Platteville Chancellor David Markee referred to his years spent working in student affairs and the efforts taken to avoid adversarial relationships in student misconduct hearings and, instead, to promote educational exchanges and processes. He asked for caution in what kinds of advisors should be involved in hearings. Current practice attended to both the concerns for due process of students and for the institution's educational mission. Bringing a lawyer into the hearing, to represent the student being investigated, could make the situation much more adversarial. Chancellor Markee added that his fellow Chancellors were also concerned about this and that their shared interest was in working with students in educational ways.

The Committee then heard from Ervin "Kipp" Cox, Assistant Dean from the UW-Madison Dean of Students Office. He described how, over the years, student affairs practice had moved away from adversarial processes. There were some universities that allowed legal advisors for students at disciplinary hearings. He recently had spoken with a colleague from Minnesota, who told him it was an "absolute nightmare" to include lawyers in the process. Mr. Cox would prefer to include any advisor the student wanted but to keep the process more educational. Witnesses were badgered when attorneys were involved, and the educational piece of the hearing got lost. UW-Madison's current practice was to allow students to have any advisor they wanted, even lawyers. During formal hearings, however, attorneys were not allowed to speak. This practice had always worked well. He pointed to a recent sexual assault case, in which an attorney was concerned about not having direct involvement. The attorney said afterward that it had worked well. Disciplinary committees, Mr. Cox continued, really wanted to hear from the students, not their attorneys. These hearings were designed as conversations about what happened, oriented towards ascertaining the truth. Student affairs personnel were most concerned with the process and the rights of students to express themselves fully. They worked hard to make proceedings transparent. He concluded his remarks by saying that the proposed rule revisions included other, smaller issues that would impact student affairs offices, but that their greatest concern was with the role of the advisor.

Regent Thomas asked Mr. Cox for examples of how disciplinary hearings were educational, and what could be learned from them. Mr. Cox replied that those conducting the hearing might ask the student what he or she thought should happen as a consequence of his or her actions. He called the process valuable in which a student would have to explain what had happened and why, in front of individuals who did not know him or her. It would give students the chance to listen and be heard, and to involve the student in working out a course of action, including, at times, the punishment, as well as other actions that the student might need to take.

Regent Thomas asked questions on the differences in the set of violations included in Chapter 17 as compared to Chapter 14, and whether different educational processes would result in the hearings to address those violations. Mr. Cox responded that there were some differences but that the processes would remain similar. Using the example of an act of academic

misconduct like cheating, he said that the educational benefits of a hearing would be similar and that confrontation could be useful as a learning process.

Regent Spector observed that the drafters of the proposed rule revisions on the role of the attorney did not intend for that role to be adversarial. The current statutory language, he added, gave students the right to present witnesses and be represented by an individual of his or her choice. He asked Mr. Cox what he saw as the essential difference between the new language and the old. He pointed to the very specific nature of the proposed language, rewritten in response to comments made at the public hearing on what a lawyer could or could not do. The intent of the revision, he clarified, was to make the rules more specific. He asked Mr. Cox for his interpretation of having a lawyer being involved in the hearing. Mr. Cox replied that there was an “industry standard” in which attorneys could be present but not intervene, and that the language of the current rules made that explicit.

Regent Walsh then asked a series of questions of Mr. Cox, pressing him first on why Mr. Cox felt that the hearing examiner would be better at ascertaining the truth than a lawyer. Mr. Cox reiterated his judgment that, based on his experience, attorneys tended to be more adversarial in student misconduct hearings. Regent Walsh then asked Mr. Cox if he would have any objection to another rule change proposing that the student receive the written report of the investigation, including access to the notes of the investigator. Mr. Cox said that in sexual assault cases, the student could already have access to the investigator’s notes. In an exchange focused on whether or not the accused student could have access to information that was exculpatory, Regent Walsh and Mr. Cox acknowledged that the student would not have access to the fact-finding part of the investigation. Regent Walsh observed that, in that regard, the process was not entirely educational. The primary objective of the hearing, he concluded, was to support the student and to first determine the facts as to whether or not the student did what he or she was alleged to have done.

Regent Davis then recognized Mary Beth Mackin, Assistant Dean of Student Life and First-Year Experience at UW-Whitewater. Ms. Mackin described her position as a student affairs professional and as past president of ASJA, the Association for Student Judicial Affairs. ASJA provided industry standards for student affairs personnel, including best practices and training on a skill-based curriculum for convening an effective student conduct hearing, the goal of which was to be as developmental and educational as possible. Ms. Mackin read several excerpts from Student Conduct Practice: the Complete Guide for Student Affairs Professionals, which she named the industry standard for developing student conduct codes. The experts in the book made deliberate recommendations about what should be in student conduct codes and who should advise students. Advisors should have a circumscribed role, and they should not be lawyers. She told Committee members that she would be very disappointed if the UW System did not follow the industry standard. She felt that it was essential to safeguard the role of the student affairs professional on the campus so that the mission of UW institutions would be preserved. She asked the Committee to reconsider passing the proposed rule revisions without changing certain parts of the language.

In response to a question from Regent Crain, Ms. Mackin said that the specific language she asked the Committee to change was that focused on expanding the role of an attorney in the hearing. She expressed her greatest concern for victims of sexual assault. She noted that she had been a member of the Chapters 17 & 18 Review Committee, which had wrestled extensively

with this question. The Review Committee had worked to cull model code language from other universities to create revised rules that would alleviate the fear of students bringing forward complaints if there were going to be lawyers present, and would ensure equal opportunity for students who could not afford an attorney. She expressed her judgment that the new language—revised since the Committee had drafted its recommendations—made students more vulnerable.

Regent Davis next recognized Chynna Haas, a junior at UW-Madison, President of the Working Class Student Union, and Support Services Coordinator of the Campus Women's Center, to speak on behalf of students. Ms. Haas outlined two areas of concern with the proposed rule changes: the role of the police and the involvement of lawyers. She cited her work through the Women's Center and her frequent referrals of students to the Dean of Students' Office. If the rule revisions as proposed were to pass, she told Committee members, she would have to tell the victims she worked with that there would probably be attorneys present at hearings who would be able to ask them questions, thus imposing an additional barrier to victims of sensitive crimes. She also stated that it would become expected that students on both sides would need to have attorneys present at hearings, creating financial hardship and inequity for those students who do not have the resources to hire an attorney.

The Committee next heard from Jim Hill, Dean of Students at UW-Milwaukee. He said that at UW-Milwaukee, students were allowed to have attorneys present at misconduct hearings. He relayed an example of a long hearing, in which a student's attorney presented a 12-page document as to why the complaint should be thrown out. The hearing became a mini-trial and there was nothing educational about the process and the student learned nothing. He gave another example in which a young woman was allegedly assaulted by five male students, each of whom was represented by an attorney. This difficult situation made the young woman fearful and the educational purpose and value of the hearing were lost.

Dean Hill addressed the municipal violations issue, noting that UW-Milwaukee would be at the forefront of feeling the impact of the rule change. The university's neighbors wanted to hold students accountable and to have the university hold them accountable. By changing the language in the rules to "serious and repeated," there would be an additional burden levied on UW-Milwaukee to determine that misconduct subject to discipline had taken place. Dean Hill described a recent conversation with a neighbor who lived next door to students. The neighbor felt that bad behavior by students was impossible to control and he worried about what his own actions might be if he decided to confront them. Dean Hill concluded that the rule change on municipal violations could ultimately impact student safety.

Regent Thomas asked Dean Hill how common instances of misconduct were and how many cases of misconduct he could be expected to handle under the revised Chapter 17 as proposed. Dean Hill said he could not provide a number, although he assumed that UW-Milwaukee would probably have the most cases across the System. He would anticipate that his work load would change under the proposed revisions to Chapter 17. In response to a question from Regent Walsh, Dean Hill replied that there had probably been two Chapter 17 hearings in the last year, adding that attorneys were not present at those two hearings. In response to another question from Regent Walsh, Dean Hill said that students could have attorneys present when they asked for them. In response to a question from Regent Davis, Dean Hill cited a house party that was totally out of control and for which the party host took no responsibility as an example of a "serious but not repeated" violation. Under the proposed rule revisions, the university could

not intervene. In response to a question from Regent Walsh, Dean Hill answered that in the two Chapter 17 hearings held in the last year, the sanctions sought were suspension of the students.

In response to a question from Regent Loftus, General Counsel Brady replied that misconduct hearings were closed, not public meetings, because of FERPA (Family Educational Rights and Privacy Act). They were, however, posted with the subject matter but not the names of students listed. She elaborated that these hearings were posted according to different noticing requirements for university departments, as opposed to those required for Board of Regent meetings. In response to other questions from Regent Loftus, Ms. Brady said that hearings focused on criminal behavior could potentially override FERPA if the misconduct was serious enough, and that records from these hearings could possibly be subpoenaed by criminal prosecutors.

General Counsel Brady asked Committee members for the opportunity to explain the evolution of the proposed lawyer provision that was the cause of so much debate. The current rule, she explained, provided that the student could have the right to be represented by lawyers if the student so chose. The October 2008 version of the rules drafted by the Chapter 17 Review Committee envisioned a more educational hearing process, during which the student would speak on his or her own behalf. The student could be accompanied by an advisor, and the advisor could be a lawyer; however, the advisor could speak on behalf of the student only with the hearing examiner or committee's permission. The most recent revision was changed in response to requests for greater specificity made at the public hearing. The revision before the Education Committee stated directly that the advisor who accompanied the student could be a lawyer, and that the advisor was allowed to speak on a student's behalf when the student was either subject to a sanction of suspension or expulsion, or when the student had been charged with a crime in connection with the same conduct for which the student was subject to disciplinary proceedings under Chapter 17.

Regent Loftus commented that families with means would have lawyers present at misconduct hearings and that students without means would not. Prior to departing for the Capitol Planning and Budget Committee meeting, Regent Walsh remarked that he cared deeply about the problem of access to legal representation, just as he cared about access to higher education. Observing that the UW System and Regents were doing everything possible to get students into UW institutions, he questioned why they would not do everything possible to keep them there. Students facing suspension and expulsion stood ready to lose a huge investment. He cited examples of individuals he had known whose careers were dramatically impeded or ruined by suspension and expulsion, and by having to pay restitution. He added that he was not worried about the class issue raised by Regent Loftus, saying that he—like many lawyers—had done many hearings *pro bono* for students who were without resources. He cited a U.S. Supreme Court case that found that there was a liberty issue for students facing misconduct hearings and that, for these hearings, attorneys needed to be present. The attorney, he asserted, does not get in the way of the truth but, rather, can help ask the right questions, especially for students facing suspension or expulsion. Fifth Amendment rights must be protected and while the issue before the Education Committee was a difficult one, the rules as proposed were the result of a really good compromise. He exhorted his fellow Regents to approve them.

Regent Loftus thanked Regent Walsh for his remarks and asked Committee members to take a long view that would transcend the good work of whoever happened to be in charge on the Board or at the institutions at a given moment in time. In response to a question from Regent Davis, Regent Loftus clarified that he felt the proposed rules should be buried and that the System should stay with the status quo. If the proposed rules had been in effect during the student-led protests against Vietnam, or during the period of wild Halloween parties in Madison, he cautioned, there would have been plenty of people wanting to use the rules and put pressure on universities to stifle free speech and assembly.

Regent Spector stated that, while he appreciated the comments of Regent Loftus, he did not agree with them. He proposed a motion asking for additional information prior to the next Board meeting that would enable the Committee to make a reasoned decision on whether or not to forward the final draft of the rule revisions, and on what they should say. He asked that the Committee seek data on, for example, the numbers of suspensions and misconduct hearings. He suggested reaching out to those who had already spoken at the meeting and who had written in to express their concerns. And he suggested that those involved in the entire rule revision process would like to be able to find a limited role for lawyers that would be acceptable to those concerned the most. This additional information would allow the Regents to find a reasoned compromise and then approve the rule revisions. Regent Crain seconded his motion.

Regent Davis agreed that it was the role of the Education Committee to take these next steps. She asked the Senior Vice President for Academic Affairs to work with the Office of the General Counsel and Ms. Radue to obtain the data for the number of suspensions, expulsions, and lawyers present at institutional misconduct hearings over the last five years. She also expressed her keen desire to meet the long-held goal of Fall 2009 implementation of the revised Chapters 17 & 18. Regent Spector noted that, if and when the Board approved the revised rules, they would then go to the Legislature, which would have 30 days to decide to hold a public hearing, and then 60 days in which to hold the hearing. If the Legislature chose to hold a public hearing, the Board would not be able to make a Fall 2009 implementation. If there was no public hearing, the hoped-for implementation date might work. In response to a question from Regent Davis, Regent Spector agreed that the Committee should delay its action for one month.

Regent Thomas requested that additional information be collected from the institutions in the intervening month. She said that she would like to understand hearing procedures in sexual assault cases, since those were more sensitive and the Regents cared deeply about protecting victims. She also asked for a listing of legal counsel available to UW students who could not hire lawyers and to know, generally, what kind of legal representation was available to students. Regent Crain expressed her support for Regent Thomas's particular concern for the victims of sexual assault. She asked that the Committee keep in mind the culture for learning being promoted by student affairs personnel and the campuses, calling this education work admirable and worthy of the Board's support.

Regent Spector commented that additional revisions to the rules could be more explicit that attorney behavior is also subject to rules and regulation. Regent Davis expressed her belief that reasonable minds could work out a good solution for proceeding that would address most of the concerns heard that afternoon, including a judicious role for attorneys.

Senior Vice President Martin asked who else, besides Regent Spector, should be involved in collecting the additional information and drafting final compromise language. Regent Walsh suggested referring the matter to the President of the Board. Regent Spector expressed his willingness to be involved and re-stated the motion to postpone action on the proposed rule revisions until the Committee's June meeting, to collect the additional data outlined by Committee members, and to develop language changes that would address the concerns of those who had spoken to the Committee.

Regent Loftus then proposed a friendly amendment, based on his assumption that should the rule go into effect the way it was currently stated, students would not have access to an attorney when there was a criminal case. Saying that he would like clarification on that point, he proposed that as a part of the additional information-gathering process, those involved should ask the faculty senate and members of the student misconduct hearing panels at UW-Madison for their comments on the proposed rule revisions.

Senior Vice President Martin responded that because the academic year had just about ended, it would not be realistic to seek input from the Madison Faculty Senate. She was quite certain that the Senate would have already held its final meeting of the year, and that seeking the input proposed by Regent Loftus would postpone the proceedings until next academic year. Regent Davis said that she would find such a course of action unacceptable, and Regent Spector agreed, adding that there could at least be communication with the Senate on the points raised by Regent Loftus.

Senior Vice President Martin reminded the Committee that the letter received on May 5 was from one member only of the Madison Faculty Senate, not from the entire senate. She further clarified that if she needed to ask for faculty input, it would need to be done formally for the entire senate. Seeking advice via email in May would not be respectful of the shared governance process.

Regent Loftus asked why the process could not wait until fall, when faculty senates would be reconvened. Regent Spector replied that everyone had received notice of the public hearing and could have had input if they had chosen to. Regent Loftus asked for a change to the motion expressly seeking input from members of the misconduct committee at UW-Madison. Regent Davis countered that the spirit of the motion was that the Committee delay for one month, not indefinitely. Regent Spector suggested that those who had written to the Regents prior to the meeting could be informed of the interim actions being taken by the Regents. He added that he would speak with both Mr. Cox and Ms. Mackin as compromise language was developed prior to the June meeting.

Committee members voted on the motion to postpone Resolution I.1.b. and defer action on the proposed revisions to Chapters UWS 17 & 18 until the June meeting, with all in voting in favor and none opposed. Regent Davis thanked all those who had spoken and worked towards this outcome.

3. Approval: UW System Appointments to the Natural Areas Preservation Council

Regent Davis asked for a motion to approve two UW System appointments to the Natural Areas Preservation Council.

I.I.c.: It was moved by Regent Spector, seconded by Regent Thomas, that upon recommendation of the President of the University of Wisconsin System, the Board of Regents approves the appointments of Dr. Evelyn Howell and Mr. Patrick Robinson, for terms effectively immediately, and ending July 1, 2012, as University of Wisconsin System representatives to the Natural Areas Preservation Council.

The resolution PASSED unanimously.

Regents Davis and Spector expressed their appreciation to the Natural Areas Preservation Council for providing additional information to the Committee, as had been requested following the postponement of the two appointments at the February meeting.

4. UW-Milwaukee Presentation: Access to Success – Succeeding in the Classroom

Regent Davis turned to UW-Milwaukee Provost Rita Cheng to introduce the presentation on “Access to Success: Succeeding in the Classroom.” Provost Cheng commented that one of the biggest challenges in education was to have a sustained and data-driven commitment to students’ success. Over the years, she observed, several presentations had been made to the Education Committee on UW-Milwaukee’s “Access to Success” program, UW-Milwaukee’s institutional commitment to student success. The focus of today’s presentation would be to look at this work from a disciplinary perspective.

Provost Cheng reported to Committee members that, based on the assessment of retention and performance data, “Access to Success” was working. She provided several examples of innovative “Access to Success” programs located in specific schools and colleges, including the College of Nursing Endeavor Program. The Endeavor Program provided mentoring and peer group experiences for at-risk students, building habits like time management and communication skills. The results for the program were excellent, with 18 out of 19 students persisting from year one to two. She also pointed to the Visual Arts Living Learning Community, led by faculty mentor Raoul Deal in one of the freshmen residence halls. Over 100 students participated in these “living-learning” communities at UW-Milwaukee and, again, the impact on retention and student success was significant. Provost Cheng expressed her hope that these opportunities for students could be expanded.

Provost Cheng then introduced Diane Reddy, Professor of Psychology and 2007 winner of the Regents Teaching Excellence Award. Dr. Reddy was the creator of the U-Pace program, an instructional model used in Psychology 101 that has had great results on student performance.

Dr. Reddy described the U-Pace Psychology 101 course as a fully online, self-paced, large gateway course reaching a broad spectrum of freshmen. Over 1,750 students have experienced the program, which allows for mastery learning of the course subject matter, and provides amplified assistance to students as needed. The focus of the program was on increasing

students' sense of control over their own learning, grounded in research showing that positive expectations for success and self-efficacy lead to improved academic success and retention. In the U-Pace model, she continued, smaller modules of material were presented to students and students had to master the material by earning an A on each quiz. They could not progress to another module until they had really mastered the material, which led to a deeper level of understanding and a strong foundation for academic success.

Professor Reddy introduced Jessica Barnack, a graduate student in psychology and one of the Teaching Assistants for the U-Pace course. Ms. Barnack described the ways in which she provided direct support for students, predominantly through regular email interventions to inform, monitor, support and praise the students in the course.

Professor Reddy then presented multiple data to the Committee, documenting the success of the U-Pace program. The impact on student learning and success for students in the U-Pace program, compared to those taught in conventional sections of Psychology 101, was dramatic, with U-Pace students outperforming those taught conventionally. Dr. Reddy's research looked at over 5,000 students in her comparative analysis. There was a real reduction in the achievement gap between disadvantaged and non-disadvantaged students and, in fact, U-Pace students who were disadvantaged outperformed those who took the conventional course and were not disadvantaged. U-Pace has had an impact on retention and even achievement in other courses taken subsequently by U-Pace students, in particular for students of color and other at-risk students. She showed a short video clip of a student describing her experience in the U-Pace program and the benefits she had gained from it. Students, she noted, felt a real sense of accomplishment upon completion of the U-Pace course.

Dr. Reddy noted that funding for the program had come through grant support from UW-Milwaukee and from the UW System's grant program on "Closing the Achievement Gap." Provost Cheng indicated the university's plan to expand the U-Pace program to other disciplines, beginning with a sociology course in the summer.

The Committee expressed its appreciation for the presentation.

5. Report of the Senior Vice President

Senior Vice President Martin suggested that she defer her report until next month because of the lateness of the hour.

6. Committee Consent Agenda

Regent Davis moved adoption of the minutes of the February 5, 2009, meeting of the Education Committee and the following resolutions as consent agenda items. The motion was seconded by Regent Crain.

Regent Cuene commented that she liked the collaboration, the focus and the reach all over the state of the B. S. in Sustainable Management. In response to her question about funding, David Schejbal, Dean of Outreach and E-Learning at UW-Extension, replied that UW-Extension's Adult Student Initiative would provide the funding for the first five years of the program, after which time it would become self-sustaining. In response to another question from

Regent Cuene, Dean Schejbal answered that anyone with an Associate's Degree would be eligible for admission to the program and that applicants would need to be admitted to one of the four participating campuses. The program used the "home campus model" for the awarding of the actual degree.

The motion to approve the consent agenda was carried on a unanimous voice vote.

Resolution One.One.f.(2), approving the appointment of Christine Holmes to the UW School of Medicine and Public Health's Oversight and Advisory Committee of the Wisconsin Partnership Program;

Resolution One.One.f.(3), authorizing the implementation of the B.S. in Community and Nonprofit Leadership at UW-Madison;

Resolution One.One.f.(4), authorizing implementation of the Collaborative Online B.S. in Sustainable Management at UW-Parkside, UW-River Falls; UW-Stout, and UW-Superior, with administrative and financial support from UW-Extension;

Resolution One.One.f.(5), authorizing implementation of the M.S. in Technical and Professional Communication at UW-Stout;

Resolution One.One.f.(6), authorizing the implementation of the Master of Physician Assistant Studies at UW-Madison; and

Resolution One.One.f.(7), approving the UW System's annual request to the Vilas Trust Estate for support of scholarships, fellowships, professorships, and special programs in music and other areas.

7. Full Board Consent Agenda

Resolutions I.1.a.(1), I.1.a.(2), I.1.a.(3), I.1.c., I.1.f.(2), I.1.f.(3), I.1.f.(4), I.1.f.(5), I.1.f.(6), and I.1.f.(7) were referred to the consent agenda of the full Board of Regents at its Friday, May 8, 2009, meeting.

8. Closed Session

The following resolution, moved by Regent Crain and seconded by Regent Spector, was adopted on a roll-call vote, with Regents Davis, Crain, Cuene, Loftus, Spector and Thomas voting in the affirmative. There were no dissenting votes and no abstentions.

Move into closed session to consider an extended leave of absence for a Professor at UW-Madison, as permitted by s.19.85(1)(c), *Wis. Stats.*

The following resolution was adopted, as amended, during the closed session and referred to the closed session of the full Board at its Friday, May 8, 2009, meeting:

Resolution I.1.h.: That, upon recommendation of the Chancellor of University of Wisconsin-Madison and the President of the University of Wisconsin System, the Board of Regents approved the extended leave of absence for UW-Madison Professor Steven Ingham, for the purpose of serving as Administrator of the Division of Food Safety at the Wisconsin Department of Agriculture, Trade and Consumer Protection, for up to four years.

The meeting adjourned at 4:41 p.m.