

*Minutes of the UW System Board of Regents
Education Committee*

April 9, 2015

Committee Actions

Regent Bradley convened the meeting of the Education Committee at 9:01 a.m. Regents Evers, Hall, Manydeeds, Petersen, Purath, Vasquez, and Whitburn were present.

Committee Actions

Consent Agenda:

The Education Committee unanimously approved the Minutes of the April 9, 2015 meeting and adopted the following 6 resolutions:

- [Resolution I.1.a.(2)], approving a B.S. in Criminology at UW-River Falls;
- [Resolution I.1.a.(3)], approving a B.S. in Mechanical Engineering at UW-Stout;
- [Resolution I.1.a.(4)], approving a B.S. and a B.A. in Public Relations at UW-Oshkosh;
- [Resolution I.1.a.(5)], approving an online collaborative M.S. in Data Science at UW-Eau Claire, UW-Green Bay, UW-La Crosse, UW-Oshkosh, UW-Stevens Point, and UW-Superior with additional support from UW-Extension;
- [Resolution I.1.a.(6)], approving the Vilas Trust Request from UW-Madison and UW-Milwaukee; and
- [Resolution I.1.a.(7)], approving the appointment of Professor Lemanske, M.D., to the Oversight and Advisory Committee of the Wisconsin Partnership Program.

In response to an inquiry regarding critical market need and possible duplication of existing programs at UW-Stout, UW-Eau Claire, and UW-Superior from Regent Whitburn, UW-River Falls Provost Delgado and department chair Wallace stated that there was no regional duplication of the proposed degree in Criminology at other UW institutions as it differed in curriculum and responded to a broader regional need for graduates in the field. According to Wallace, criminology investigates crimes and its bases and offers graduates different career tracks than law enforcement only. Provost Delgado added that private and federal opportunities would exist for criminology graduates in the Saint Croix valley and in Minnesota.

In response to Regent Whitburn's inquiry about the processes determining the size of the campus requests and subsequent proffers from the Vilas Trust, Regent Bradley shared that the Trust determines the amounts available based on its income, which varies each year. UW-Madison and UW-Milwaukee then submit a detailed request for amounts within the funding limits. The proffers from the Vilas Trust will be reviewed for approval at the June Board meeting. Senior Vice President Ward explained that the recipients of the proffers do not ask for more money annually but that any revised financial figures are communicated by the Trust to the UW System President so that the recipients can adjust their request. The Vilas Trustees usually meet after the April Board meeting to determine the final amounts available. Regent Whitburn requested that more information be made available on the Trust's funding processes.

Full Agenda:

The Committee unanimously adopted:

[Resolution I.1.b.(1)], approving revisions to Chapters UWS 4, “Procedures for Dismissal of Faculty,” and UWS 7, “Dismissal of Faculty in Special Cases;”

[Resolution I.1.b.(2)], approving revisions to Chapter UWS 11, “Dismissal of Academic Staff for Cause;” and

[Resolution I.1.b.(3)], approving revisions to Chapter UWS 17, “Nonacademic Student Conduct.”

General Counsel Tom Stafford presented an overview of the process used in reviewing the proposed changes to these four administrative Codes. He explained that the University of Wisconsin System Administration seeks to modify the above-mentioned Board of Regents administrative rules because the proposed revisions will help reconcile any potential inconsistencies between the Wisconsin Administrative Code and the federal standards regarding institutional obligations in addressing issues of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.

The proposed revisions are also intended to address the regulatory amendments under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) amendments and the Campus Sexual Violence Elimination Act (“Campus SaVE Act”). On August 22, 2014, the Board approved scope statements for each chapter. The Board will schedule a hearing and post statements that the proposed rules have minimal to no economic impact locally or statewide and have minimal to no fiscal impact.

For Chapters UWS 4, 7, and 11, a committee of legal staff; tenured and non-tenured faculty, academic staff, and student representatives; UWSA staff; and others; was appointed to review the existing code and determine what, if any, changes were necessary in order to comply with the federal regulations and guidance as noted above.

Associate Vice President Stephen H. Kolison recounted the review and revision process for Chapters UWS 4, 7, and 11. Changes recommended by the committee were submitted to Senior Vice President David J. Ward and System General Counsel Tomas Stafford for review. Senior Vice President Ward transmitted the proposed changes to all UW institutions seeking input, feedback, and comments. In the first week of March, Ward and the respective drafting committees received responses from the institutions and addressed them within the scope of their work.

Associate Vice President Vicki Washington, who spearheaded the 13-member drafting committee consisting of senior student affairs staff, student conduct officers, and student governance representatives, also briefly described the Chapter UWS 17 review process. It was similar to the one used for Chapters UWS 4, 7, and 11, resulting in thorough vetting with constituents.

Senior legal counsel Paige Reed then summarized the following major changes to the administrative codes and the list of offenses that are proposed to be added into the employment provisions for faculty and academic staff, as well as into Chapter 17, pertaining to student conduct.

Evidentiary Standard of Proof: Allegations involving sexual harassment, sexual assault, stalking, dating violence, and domestic violence shall have an evidentiary standard of proof of a preponderance of the evidence.

Access to Information during Proceeding: Both the complainant and the accused are afforded similar and timely access to information that will be used at a hearing.

Rights of Aggrieved Party during Hearing Process: As stated in the Office of Civil Rights guidance, during an investigation, the complainant and the accused should be afforded equal rights. The proposed Administrative Code would provide parity of rights.

In addition, for Chapter UWS 17 in cases involving sexual assault and sexual harassment, the student will have the right to decide whether to involve a hearing examiner or a hearing committee, and will have appeal rights.

Reed also explained that next steps include posting the economic and fiscal statement for 14 days, submitting the proposed changes to the legislature and a clearing house process, followed by a Regent-sponsored public hearing. Thereafter, the governor's office, the chief clerks, as well as various committees, will review the proposed changes again. Responding to Regent Vasquez's question about details on the rulemaking process and the Regents' role, Reed answered that the final documents may contain further changes after the different review levels, and will likely come back to the Regents for review again. Legal staff will confer with the Governor's office on the recently changed rulemaking regulations. If everything goes as planned, the new codes will be in effect by September 2015. To Regent Whitburn's question about who would organize the hearing, Stafford responded that his recommendation was that a Regent should preside over the hearing although it was not required.

Responding to Regent Bradley's question regarding possible consequences if the proposed revisions would not be approved, Reed answered that the federal Office of Civil Rights expects universities to interpret Title IX and provide protections. The Office of Civil Rights could determine that UW System institutions are in non-compliance if it finds inconsistencies. In response to Regent Whitburn's inquiry as to students' and faculty's level of satisfaction with the proposed changes, Associate Vice President Washington explained that five UW student governments provided extensive support and that others chose not to submit comments. Generally, the responses indicated support of the proposed changes, and comments or proposed edits within the narrow scope set by the scope statement were incorporated, as appropriate. Washington added that suggestions were by and large incorporated. Of those faculty governance organizations which responded with comments, there was no opposition to the changes. Some comments received were outside the scope of changes that could be made due to the scope statement restrictions approved by the Board in August, 2014.

Regent Manydeeds then asked about possible legal inconsistencies and problems that could arise with the gathering of evidence under the new standard for proof. What would happen if the case became a criminal case, would there be cooperation between campus and outside law enforcement bodies? Noting that there were many unanswered questions, he expressed concern about recordkeeping, about who decides what comes in evidence, and possible conflicts with criminal cases, as well as questions about the respective roles of the District Attorneys and criminal lawyers. In response to Regent Manydeed's question about cooperation between campus investigative teams and non-university law enforcement, Stafford replied that some of the detailed processes still needed to be worked out. Stafford then continued to explain that the employment provisions, as proposed, would not change the way universities address these cases. What would be changed are the rights of the complainant and the standard of proof. The hearing processes as such were unaffected and, as before, determined by the respective campus. What would happen in a hypothetical case in which a student would be kicked out of school by a campus but then at a public trial the student would be found not guilty? How would these possible problems be dealt with? Stafford emphasized that the proposed procedure was not a criminal procedure and that legal staff would help resolve any conflicts on a case-by-case basis. Washington added that these types of questions were discussed systemwide and that there is a heightened level of awareness about due process in this and other types of alleged student offenses. Some of the facts of a case are often not known until the investigative process on a campus is well under way.

Regent Evers inquired whether the Governor's office has the authority to change the wording of the administrative codes as they existed before the proposed new changes, and under the "old" rulemaking processes. Stafford explained that any revisions are restricted to the proposed current changes. Regent Vasquez requested that assessment of these new administrative codes, if finally adopted, should be addressed in the UW System annual report on sexual harassment and sexual assault. This assessment should provide information on whether the rules worked as intended. Did the changes made really help the victims of sexual assault? Associate Vice President Washington agreed that such assessment data are to be reported in the future and that data gathering and the use of certain data instruments are also required by federal guidance and law. However, one would need more than one year's data initially to arrive at meaningful assessment of the changed procedures. Washington explained that climate surveys may have to be conducted and that UW-Madison is currently participating in a pilot project. In response to Regent Hall's question regarding national comparison regarding the reported number of sexual assaults, Washington replied that comparisons to other systems' data will be attempted but are not yet in place.

Host Campus Presentation: "UW Colleges, UW-Extension: Education for the Future"

UW-Extension Provost and Vice Chancellor for Academic Affairs Aaron Brower talked about the three main drivers that are forcing a transition in higher education: financial pressures, economic need, and technology that is changing how students learn. He offered recommendations for how the UW System could respond better to the changing student pipeline and Wisconsin residents who will need a college degree by 2020. Brower indicated that UW-Extension and UW Colleges will work towards making education more accessible to new populations and deliver more collaborative classes in blended environments so that students can

earn stackable credentials and personalize their educational paths. Brower reported that the Flexible Option was currently serving around 300 students and that UW-Extension would focus on creating new models to serve millions of potential students in Wisconsin, in particular nontraditional students. He commented that students now have access to lots of different information but need to learn in the classrooms of the future, which may no longer involve physical places. Brower also cited an article from *Inside Higher Education* stating that the Department of Education is considering financial aid for microcredentials (rather than full degrees) in the near future.

Greg Lampe, Provost and Vice Chancellor for Academic and Student Affairs, focused his remarks on the UW Colleges Bachelor of Applied Arts and Sciences degree taught in partnership with six UW System comprehensive institutions as well six Wisconsin Technical College System partners. Lampe highlighted the collaborative efforts with these partners resulting in the renewal of the Memoranda of Understanding and the delivery of all B.A.A.S. courses in distance delivery format. UW Colleges has also created numerous articulation agreements with other institutions providing students with clear pathways from applied academic programs to liberal arts and sciences degree attainment. The B.A.A.S. degree completion program offers place-bound learners, who have earned an associate degree, the opportunity to earn a UW bachelor's degree close to home and contribute to local workforce needs. Serving currently 96 students, mostly from within a 60-mile radius of a respective UW Colleges campus, the B.A.A.S. is projected to grow enrollment by 200 students by fall 2015. Whereas the B.A.A.S. was initially approved by the Board as a liberal arts and sciences degree, UW Colleges now also accepts applied degree students into the degree completion program. Lampe also talked about the "Associate of Arts and Science degree and Curriculum Reimagining Project." This two-year project will be faculty-led and informed by national best practices in curricular design leading to better access, affordability, and transfer opportunities for students. Finally, the Regents saw a video of a UW-Barron County adult student's successful negotiation of family, work, and study demands.

Replying to an inquiry by Regent Vasquez on the eight percent of minority students enrolled at UW Colleges, Provost Lampe responded that a marketing campaign is being planned to improve recruitment of diverse students. Lampe cited the lack of diversity in the communities as a possible reason and expressed his commitment to enrolling more students of color in the future and stated that in the associate degree program the participation of underrepresented minorities was higher.

In response to Regent Evers' question whether college students are now increasingly choosing college after having worked for a few years, Lampe responded that the UW Colleges serves a growing number of working adult students who need to acquire credentials to improve their career opportunities. The majority of students enrolling are at a ceiling of what they can do without a baccalaureate degree. Students often do their senior academic project in the company where they are already working, and some get hired even before finishing their degree. A B.A.A.S. degree conveys better status and often better jobs. Regent Bradley then sought clarification as to why only six of the UW Colleges are participating in the delivery of the B.A.A.S., and whether the plan was to involve more campuses. Lampe replied that the Board initially authorized delivery of the degree by six campuses and asked for a five-year review before expansion could be considered. In response to Regent Bradley's question about capacity,

Lampe answered that UW Colleges is currently at capacity and would not need permission from the Higher Learning Commission to expand its delivery locations. Regent Vasquez confirmed with Provost Brower that the Colleges currently and primarily serve Wisconsin students and asked whether the market existed for serving students across borders through online delivery. Brower responded that private institutions currently enroll a lot of Wisconsin students and that some of that market could be taken back.

Report of the Senior Vice President:

Interim Senior Vice President Ward updated the Committee on various projects directed at reducing the need for remediation/developmental education and improving communication with the K-12 system. Reviewing his diagram that outlines the various operationalizing measures that will help improve success of students placed into remedial/developmental math and English, Ward cited the positive impact of the Early Math Placement test and the UW System to scale up what works best.

Ward then announced UWSA College Readiness/Developmental Education Webinars to take place in fall 2015. The originally planned five face-to-face College Readiness/Developmental Education Regional Meetings were cancelled because of timing conflicts causing low sign-up rates. This series of webinars will be offered every two weeks in fall 2015 and beyond. Each webinar will take about 30-45 minutes, will be recorded, and made available on a UW System website.

Regent Whitburn articulated his interest in improving feedback to the K-12 schools regarding which of their students were placed into remedial courses at the university. He indicated that some of the UW institutions, such as UW-Stout, already supply their feeder schools with these data and that this could be achieved systemwide, resulting in reports presenting five-year data sets. Regent Whitburn contacted school districts in the Wausau area and received data from UW System's Office of Academic and Student Affairs regarding ACT results of freshmen attending UW-Stevens Point. Regent Whitburn inquired of Regent Evers if he was in favor of detailed feedback about students to high schools. Regent Evers responded that he is aware of pending legislation that would compel all UW System institutions to share these data. Evers expressed that he was in favor but has concerns about the possible identification of students and FERPA regulations. Regent Bradley supported Regent Whitburn's request to schedule a presentation by UW-Stout at one of the future Education Committee meetings to showcase the University's feedback processes to high schools. Ward added that his action plan for advancing several systemwide remediation reform projects would help address data needs. Regent Whitburn suggested that the privacy of students needed to be protected and that five-year data should be presented. He further suggested feedback to the high schools every two or three years.

Regent Vasquez reminded the Regents that many of the students who need additional help are not high school students but working adults returning to school. Regent Vasquez called for a better understanding of different schools and their student populations and advised not to merely collect numbers without looking at the context. Regent Hall suggested that timely intervention and using best practices already in operation and proven to work might aid in

Ward's proposed "moving-up strategy" as described in his action plan diagram. She further indicated that time was of the essence and that more inquiry and spending more time on research might slow down immediate opportunities for change. Ward responded that some of the advanced-level practices aimed at reducing remediation are relatively new and that time and due diligence were needed to find out how well they work. The goal is to scale up once research documents that interventions work. Responding to Regent Hall's question about the timeline for completion of remedial education reform, Ward said that some of the projects would start in the summer of 2015 and run through 2016. Data collection would continue, and results would be shared with the Education Committee.

Ward then discussed UW System Bachelor's degree graduation rates for new freshmen entering UW institutions full-time in the fall semester (excluding UW Colleges because graduation data for the B.A.A.S. degree are not available yet). Reviewing the longitudinal trends, starting from 1981 to 2013, the System's graduation rates have significantly improved. Ward added that many degrees require more than 120 credits as required by accreditation and licensing organizations, resulting in longer degree completion time for individual students.

Regent Whitburn moved to adjourn and Regent Hall seconded the motion. The motion carried unanimously.

The Committee adjourned at 10:33 a.m.

Respectfully submitted by

Dr. Carmen Faymonville
Secretary to the Education Committee