

**Minutes of the UW System Board of Regents
Education Committee Meeting on
December 8, 2016**

Regent Whitburn convened the meeting of the Education Committee on Thursday, December 8, 2016, at 8:01 a.m. Regents Evers, Klein, Langnes, Manydeeds, Petersen, and Tyler were present. President Millner also attended part of the meeting.

Committee Actions

The Education Committee unanimously adopted the November 10th, 2016 Minutes and the following 22 resolutions:

- [Resolution I.1.c], approving the Master of Science in Athletic Training at UW-Green Bay;
- [Resolution I.1.d], approving the Bachelor of Arts in Urban Studies at UW-Milwaukee;
- [Resolution I.1.e.(1)], approving the revisions to Regent Policy Document 8-1 and renaming it “Advisory Boards or Councils;”
- [Resolution I.1.e.(2)], approving the removal of Regent Policy Document 33-1, “Board of Visitors Membership;”
- [Resolution I.1.f], approving the Regent Policy Document, “Naming of Academic Units;”
- [Resolution I.1.g], approving the Regent Policy Document “Honorary Doctorate Degrees,” and removing the provision “Delegation to the System President” from Regent Policy Document 6-6;
- [Resolution I.1.h.(1)], approving the removal of Regent Policy Document 4-9, “Principles for Enrollment Management;”
- [Resolution I.1.h.(2)], approving the removal of Regent Policy Document 4-14, “Enrollment Management-21;”
- [Resolution I.1.h.(3)]; approving the removal of Regent Policy Document 5-2, “Accountability Indicators;”
- [Resolution I.1.h.(4)], approving the removal of Regent Policy 14-4, “Reserve Officers Training Corps;”
- [Resolution I.1.h.(5)], approving the removal of Regent Policy Document 20-14, “Future Staffing Principles;”
- [Resolution I.1.i], approving of the revisions to Regent Policy Document 14-2, “Sexual Harassment Policy Statement and Implementation;”
- [Resolution I.1.j], approving the revisions to Regent Policy (RPD 14-8), “Consensual Relationships;”
- [Resolution I.1.k], approving the Post-Tenure Review Policy at UW-Green Bay
- [Resolution I.1.l], approving the Post-Tenure Review Policy at UW-River Falls;
- [Resolution I.1.m], approving the Post-Tenure Review Policy at UW-Platteville;
- [Resolution I.1.n]; approving the Post-Tenure Review Policy at UW-Milwaukee;
- [Resolution I.1.o], approving the Post-Tenure Review Policy at UW-Eau Claire;
- [Resolution I.1.p], approving the Post-Tenure Review Policy at UW-Oshkosh;
- [Resolution I.1.q], approving the Wisconsin Higher Education Attainment Goal;
- [Resolution I.1.r], approving a revision to Regent Policy Document 20-9, “Periodic Post-Tenure Review in Support of Tenured Faculty Development,” and
- [Resolution I.1.s], approving an Interim Post-Tenure Review Policy for the UW System.

Report of the Vice President

Vice President Henderson provided information on the UW System Math Workshop scheduled for Wednesday, January 18, 2017 in Madison, Wisconsin. The goal of this workshop is to support the development of campus plans to implement the UW System common math cutscore. The conference will support campus strategies regarding advising and placement into first college math course, methods for evaluating curricular alignment, the appropriateness of current course offerings, and successful interventions and reforms. The Math Workshop will include presentations by the University of Tennessee Board of Regents on Co-Requisite Remediation, the University of Texas Dana Center on New Mathways, the University System of Maryland on the Maryland Mathematics Reform Initiative, and select UW System institutions on their math reforms and other campus initiatives in relation to the common cutscore.

UW-Green Bay: M.S. in Athletic Training

In response to Regent Whitburn's question about possible duplication of existing UW System master degrees in Athletic Training, UW-Green Bay Provost Davis responded that the presence of sports teams such as the Green Bay Packers and others suggests that the proposed degree "belongs" in UW-Green Bay because of its unique partnerships and national connections. Davis also cited the support of major local health care system partners, which would provide internship opportunities for students.

Enrollment in the M.S. in Athletic Training would start conservatively with a 20-25 student cohort. About half the students in that cohort will opt for the 3+2 program (three years of undergraduate and two years of graduate education leading to the M.S. in Athletic Training). Davis expects a healthy pipeline of applicants to the program because many current students seek master's level education within the Green Bay metropolitan area. The university's human biology program will function as one of the feeder program to the proposed master's degree. Regarding sustainability of the proposed program, Davis remarked that the budget projection was conservative and acknowledged that the program would not be making money early on, but would likely consolidate after the first few years of operation.

Regent Langnes asked Provost Davis how confident he was that UW-Green Bay will reach the projected enrollment numbers, to which Davis replied that he expected that the student retention rate will be high. Regent Klein inquired about collaboration with other institutions within the UW System, which could mean taking advantage of efficiencies across campuses. Davis acknowledged that the athletic training program developers had not met with colleagues at sister institutions. In further explanation, he added that, systemwide, athletic training programs had some commonalities but that curriculum was largely dictated by the athletic training accrediting board. The advantage of locating the program in Green Bay would be that placement of students at clinical sites would be local so that UW-Green Bay would not have to send students to Milwaukee and Madison. In a follow-up question, Regent Klein inquired about the cost associated with the proposed master's program and expressed her hope that the addition of this program to the UW System would not lead to inconsistent results across the UW System as there could be some cost efficiencies via collaboration.

UW-Milwaukee: B.A. in Urban Studies

Provost Britz conveyed to the Committee some background about the proposed degree, which currently exists as a formal submajor within the UW-Milwaukee undergraduate program array. The elevation of the B.A. in Urban Studies to a stand-alone degree, he said, will open the door for students to graduate studies in other fields besides urban studies and fits well with UW-Milwaukee's mission as an urban research university. Students can choose from 75 different courses from a variety of fields, including urban planning, geography, criminal justice, urban affairs and development, giving students different possibilities for designing their major according to their career orientations and plans. Regent Evers noted that the curriculum contains a cornucopia of courses, with certain disciplinary areas being required, and suggested the expansion of education courses and tracks.

Regent Klein asked of Provost Britz whether there were comparable urban studies majors in the nation which could serve as models. Britz named Portland State University, Temple University, and Wayne State University among the urban universities with similar programs. He noted that UW-Milwaukee's degree will be inspired, among others, by the work of urban historians, leading census researchers, and public affairs specialists, making the program "broader than the typical research program."

Post-Tenure Review Policies

Turning to the next agenda items, all requiring Regent action on UW System institutions' post-tenure review policies, Regent Whitburn thanked each campus requesting approval during the December meeting for their work, particularly for their success in overcoming roadblocks. General Counsel Stafford reported to the Committee that the campuses did a lot of work in the policy development process. Documents were vetted by faculty, academic and student affairs, and the Office of General Counsel for several months. His and the Vice President's office review of each proposed policy yielded no misalignment between with the Regent Policy Document and respective campus post-tenure review policy language. Stafford confirmed that the campus post-tenure review policies under consideration at the meeting included all requirements. Vice President Henderson thanked chancellors, faculty, and faculty representatives for their work and their thoughtful dialogue, and congratulated them on their collaborative work. Stafford echoed that sentiment.

UW-Green Bay Provost Davis also extended gratitude to Stafford and his campus faculty, whom he commended for their professionalism. Regent Whitburn as well expressed gratitude to campuses for dealing competently with this "highly visible matter with implications." During discussion, Regent Evers expressed concern about the proposed changes in Regent policy. Evers told the Committee that he was uncomfortable with the addition of new wording to the RPD 20-9, which would then require administrative review of post-tenure review ratings forwarded by faculty peers.

In response, Regent Whitburn cited an example in order to support his view that the additional administrative review of peer ratings was warranted. In a given review situation, there could be five professors, among them a chairperson, reviewing each other's post-tenure review materials. In such cases, Whitburn said, there is a need for "a provost or assistant provost to get into the mix and provide outside review and comfort with the ongoing performance reviews of

this cluster of faculty.” Regent Evers upheld his disagreement with the proposed addition of administrative review because he said he found no data to suggest that there is a problem that needed to be addressed and that the examples given were too hypothetical. Appreciating that the campuses came together to develop their respective post-tenure reviews, Regent Evers announced that he would not support approval of the proposed institutional post-tenure review policies because of the unproven need for this additional review requirement.

Regent Whitburn then addressed UW-Oshkosh Chancellor Leavitt and Provost Earns in discussion of UW-Oshkosh’s proposed post-tenure policy, which he termed a “hybrid.” The policy calls on the four UW-Oshkosh colleges to develop procedures consistent with policy. Regent Whitburn asked the Chancellor to develop with his campus these said procedures as required and to put them into place for the 2017-18 academic year, in comportment with Regent Policy 20-9. Each college’s procedures and criteria would need to be approved by June, 2017 so that the timeline for the policies remains consistent, said Whitburn. General Counsel Stafford explained that UW-Oshkosh’s policy was somewhat different but that it adopts the RPD 20-9 as a whole and contains only very little additional language. Vice President Henderson conveyed to the Committee he was also comfortable with the UW-Oshkosh policy, noting as its strength that it seeks to adopt an approach that fits with the culture of the university. The Chancellor and Provost will work with legal staff to finalize the policy by the required June deadline. In response to Regent Langnes’ question whether the UW-Oshkosh policy had to be approved again in June, Regent Whitburn responded that Stafford and Henderson will review the added language to be provided by UW-Oshkosh and make sure the policy is in alignment, so that no additional Board of Regent approval will be necessary.

Regent Policy Document 14-2 “Sexual Harassment Policy Statement and Implementation,” renamed “Sexual Violence and Sexual Harassment.”

Regent Whitburn conveyed to the Committee that the proposed revisions to RPD 14-2 were the result of findings by the Sexual Assault Task Force commissioned by President Cross. Senior Legal Counsel Anne Bilder served as co-chair with Associate Vice President Vicki Washington who has since retired and been replaced by Senior Special Assistant to the Vice President for Academic and Student Affairs, Petra Roter. Whitburn welcomed UW-Madison legal counsel Raymond Taffora who did not participate in the Task Force but whose advice was being considered because of the breadth of experience and size of the flagship institution. Bilder informed the Regents on the scope and purpose of the proposed revisions and the renaming of RPD 14-2, saying that it presented a unified, comprehensive policy that addresses all forms of sexual violence and harassment with all relevant language contained in one source, and relaying precise information regarding procedures for all required elements for consistent institutional policies, applying to all employees, students, faculty, and staff. The revised and renamed policy would now contain all reporting options and outline required training yet allowing institutions to adopt their own local adaptations. Taffora commented that proposed policy paid attention to the implications in the real world.

Regent Tyler said he appreciated that the UW System was “not just checking the box” and underscored the importance of providing adequate training so that “we [the UW System] can

show we have done something.” Regent Tyler emphasized that cultural climates needed to change, and that he hoped that the policy would give victims courage to come forward.

Vice President Henderson relayed that in his past role as senior student affairs officer, he came to a deeper understanding of sexual violence as a pervasive problem on campuses. He said he was “heart and soul” behind the proposed procedures in the policy, which were all intended to make a difference. In concert with Regent Farrow (who was excused from the Committee meeting and could not speak to the issue in person), Henderson asked the Committee to help raise more awareness of alcohol and drug abuse in relation to sexual assault. He expects this general policy to function for the campuses as a framework that will allow them to set local accents.

Regent Langnes commended the Task Force on the passion put into this policy, and named the policy a step into the right direction. He encouraged his fellow students to be the change agents in this matter.

Regent Evers also thanked the Task Force for addressing a big societal problem. On the matter of false accusations, as outlined in the proposed policy, Evers encouraged the institutions to create their own policies. Noting that for somebody who has been traumatized, the policy language related to false accusations could have a chilling effect. Evers recommended making the language pertaining to material evidence a description that can be commonly understood, so that reporting is encouraged and victims do not fear coming forward or are anxious that they may misstate something that will carry a penalty later on. Evers shared his understanding that false statements are very rare, and only occur in two to five percent of the cases.

Regent Klein asked for the policy to be well-publicized by public relations teams on campuses, through posters and training. General Counsel Stafford explained that the UW System is not starting from scratch, and that much training and interventions were already in place. President Millner thanked Bilder and Roter for their presentation and the Task Force for its work. President Millner also expressed her interest in the causation by alcohol and emphasized that messaging to incoming freshmen was very important. For “18-year olds not used to social experiences, campus education efforts intended to reduce sexual violence and alcohol abuse, raises student awareness of the problem.”

Regent Policy 14-8, Regent Policy Document 14-8, “Consensual Relationship Policy,” renamed “Consensual Relationships.”

The proposed revisions to RPD 14-8 seek to promote compliance with new and existing requirements related to sexual violence and harassment. The proposed revisions provide more clarity and guidance concerning ways in which existing or potential conflicts could be avoided or mitigated. Senior Legal Counsel Bilder commenced her explanation of the scope and purpose of the proposed revisions by noting that the policy would apply to employees of every type and to students. The policy revisions seek to establish more clarity in expectations concerning romantic and sexual relationships. It explicitly states that any individual in an instructional capacity is not to be in a relationship with a student, regardless of consent. The policy now states more succinctly what constitutes a violation and contains descriptions of steps the employee can take

to avoid a violation of said policy. General Counsel Stafford supports the revisions and concluded that the policy is thoughtful and not intended to ban human nature.

Various Changes to Regent Policy Documents

Changes and Updates to Regent Policy Documents include the following:

RPD 8-1, “Authorization to Establish Advisory Councils” was amended and Regent Policy Document 33-1, “Board of Visitors Membership” was removed. The revised “Advisory Boards or Councils” policy better reflects the current practice of advisory councils instituted by UW System chancellors. Further, the Committee took action on a proposed new “Naming of University Academic Units” policy which mirrors the recently-revised UW System facilities-naming policy. The policy pertains to the naming of units such as schools and colleges. The naming of departments, centers, and institutes is delegated to the respective chancellors.

The Committee also approved a proposed new policy on honorary doctorate degrees which integrates some content from Unclassified Personnel Guideline 11. This Guideline 11 has been used by the UW System to guide the honorary-degree conferral process. The proposed new policy provides a fuller explanation of when an honorary degree is appropriate, specifies types of degrees to be conferred by UW institutions, and documents current practice for the awarding of honorary degrees.

The Committee also took action on the removal of five obsolete policies from the Regent Policy Documents. These policies reflect point-in-time resolutions rather than enduring policy statements and have been replaced by new practices and/or policies in the meantime. The executive secretary of the Board of Regents, Jane Radue, was present to give some background on the proposed changes, for instance on the “Reserve Officers Training Corps” which is no longer relevant because of changes in federal law. President Millner complimented Board of Regents staff for their effort in cleaning up outdated policies.

Wisconsin Higher Education Attainment Goal

The Committee authorized the University of Wisconsin System in concert with the Wisconsin Technical College System (WTCS), and the Wisconsin Association of Independent Colleges and Universities (WAICU) to set a Wisconsin Higher Education Attainment Goal, which will help to increase the supply of college-educated workers in the state and drive innovation and economic prosperity. Regent Whitburn explained that this attainment goal is part of a national initiative by Lumina foundation. Regent Tyler noted that 26 states have set attainment goals for post-secondary credentials. Many of these states will require education past high school, as directed by their governors. Tyler said he was pleased with Higher Education leading the attainment goals discussion in Wisconsin.

Vice President Henderson added that the Lumina Foundation presented strong leadership together with the National Association of System Heads (NASH), and that he expected some limited grant funding would be available to achieve these attainments goals. Henderson thanked Regent Tyler for his engagement with the issue. President Millner informed the Committee that she had met with a representative from Lumina Foundation, and generally supported “deeper penetration in our high schools classes to go past high school.”

Regent Evers will communicate to Lumina Foundation that the PK 4-12 school system will also support this goal. Some thought needs to be given to who will provide the staff for this goal and how for-profit institutions of higher education will affect outcomes.

Regent Policy Document 20-9, “Periodic Post-Tenure Review in Support of Tenured Faculty Development.”

Regent Whitburn reminded the Committee that on March 10, 2016 the Board of Regents adopted RPD 20-9, “Periodic Post-Tenure Review in Support of Tenured Faculty Development.” The policy requires each UW institution to include in its post-tenure review policy a “delineation of the roles and responsibilities of those who will conduct or contribute to the review.” The proposed revision makes clear that there should be an independent review of faculty involved in post-tenure review by the dean, provost or chancellor. The specific statement which was added to the policy is that UW institutions’ post-tenure reviews “shall include an independent, substantive review by a dean, the provost, or the chancellor, or a designee, with the appropriate administrator making the final assignment of the category reflecting the overall results of the review.”

Regent President Millner was present to explain the purpose for the revision and the benefit to the UW System. She conveyed that during the past few weeks, Board of Regents leadership consulted with colleagues, faculty representatives, and campus and UW System Administration staff to determine the best course of action. “We weighed the advantages and disadvantages of revising the policy, and this proposed change creates a clearer framework, and will help institutions’ shared governance bodies finish their work,” said Millner. She thanked faculty, colleagues, and the many people who gave advice for their contributions and hard work.

In her remarks to the Committee, President Millner expressed her view that the revision reflects best practices used at many universities in the nation. It is prudent to have an appropriate administrator review a “meets expectations” peer rating i.e. a positive performance evaluation-- as well as a “does not meet expectations” peer rating. Another reason Millner named for the revision is that at many of the UW System institutions, the processes used for tenure review and post-tenure review already mirror each other to some degree. This alignment of procedures creates consistency and continuity for the faculty member and the employer, she said. Millner emphasized that “post-tenure review is not meant to function as a re-tenuring process.” Further, Millner noted that she fully expects that faculty peers will continue to play a major role in the post-tenure review process because they have academic and discipline-specific expertise. The administrator’s review of a faculty member’s performance and need for development and support will contain coherent rationales for all findings and conclusions. Millner stated that “It [the process] is going to be a transparent process that includes multiple perspectives.”

Regent Tyler commented that the issue of faculty post-tenure review has had much discussion outside the university system, with lots of people commenting. Highlighting some comments regarding the comparison of academic work appointments with those in private industry, Tyler shared his view that the “tenure process is different, as it involves a long process of continuous evaluation not present in the private sector.”

Tyler further noted that there is intense academic preparation before employment starts, with prospective faculty earning credentials and setting a career path. Yet, even given the time it

takes for faculty to earn tenure, Tyler considered the proposed revisions to the policy appropriate because the administration would have opportunity to weigh in on an employee's performance.

Regent Evers spoke in opposition to the proposed revisions based on his understanding of the conversation and that "factors outside our world" have influence. Evers' position was that there are no data or circumstances that would seem to indicate that an additional administrative review is necessary above and beyond the faculty processes for post-tenure review.

Supportive of the revisions. Regent Klein said she saw a necessity for the additional level of review because of the Regents' role in terminations for cause, and that she appreciated the role of provosts and chancellors in this difficult process in keeping with shared governance principles.

Interim Post-Tenure Review Policy for UW System Institutions

Regent Whitburn reminded the Committee that RPD 20-9, "Periodic Post-Tenure Review in Support of Tenured Faculty Development," includes a timeframe for submission of institutional policies to the Board for approval. About half of the UW System institutions have submitted their respective policies in alignment with RPD 20-9 to this date. Seven institutional post-tenure review policies have been approved by the Committee so far. Several institutions have requested more time to craft their institutional policies. It is expected that most institution's policies will be brought forth for Board approval at a Board meeting in February, March or April 2017. Both Regent Whitburn and President Millner made clear that every UW System institution must complete policy approval and governance processes and have a Board-approved post-tenure review policy by April 7, 2017. For those institutions that do not have their own policy approved by the Board within that timeframe, the interim policy would be in place at that institution for the academic year 2017-18.

The Education Committee adjourned at 9:16 a.m.

Respectfully submitted by

Carmen Faymonville, Ph.D.
Staff to the Education Committee