Comments on the proposed BOR policies
Prepared for the Council of Community College Faculty Senate Chairs
by Vice-President John Morton, February 21, 2011

Note: These comments represent my own views of the rationale for the changes and the impact of the change on the community colleges. In some instances, the policies may impact other parts of the University in different or more significant ways. I do not comment on most editorial or grammar changes but rather on those that change or delegate policy. The comments are my own and do not necessarily reflect either President Greenwood or the Board’s views.

BOR By-Laws

Article II.A – page 3. States that Board members who, without excuse, miss three consecutive meetings is off the Board, whether or not a quorum is reached. Good change. If a board member is disengaged to the point where they don’t show up for three straight meetings, they should be off the board and it doesn’t have anything to do with whether or not the other board members are able to achieve quorum.

Article II.D.2.a.3 – page 6. Adds the review of terminated programs to Academic Affairs Committee. Change is related to the change in Chapter 5, Academic Affairs which delegates to the President the authority to terminate programs after a program review but with a report to the BOR on terminated programs. This section in the by-laws establishes that it is the academic affairs committee that will review those reports (as they do now with program reviews).

Article II.D.2.c.1 – page 7. Adds clarifying language that the long range development plans must include not only physical development but also academic and fiscal considerations as well. Has some implications for CCs since long range development plans have typically been about buildings (what future buildings, where to site them, etc.) Probably a good idea to add these other planning dimensions.

Article II.D.2.f – page 8 – Eliminates prescriptive nature of the community college committee and the rotational requirement for the meetings. Good news is that the community college committee continues to exist to give us a communication channel to the Board (no other campus has a committee). Having this communication channel is important to our accreditors who are more familiar with a direct relationship between the governing board and the college president.

I have no problem with the elimination of sections 5 and 6. The original section 5 was created before the Board expanded its membership and hasn’t been followed recently. For example, both Regent Baxa and Regent Rasmussen are on the committee and both are from Maui which is not consistent with the current
policy. The chair may also wish to have more than six members which would not be allowed under the current policy. Later on, Article II.D.3 – page 10 establishes the requirement that all islands must have representation on the Community College Committee.

Same with the rotational meetings. We have been rotating meetings but sometimes because of the BOR schedule we try to line up with the full Board. Doing so may keep us out of sync. Bottom line – we still will likely have a diverse membership that includes neighbor island and Oahu representation and we will have meetings that move around but if we miss a campus in the rotation or have two people from the same island we won't be in violation of Board policy.

Article II.D.2.g – page 8. Creates specific tasks for the audit committee. This standing committee has always existed but never with a clear description of its responsibilities. This section adds those responsibilities. No problem with the committee or its work.

Chapter 1 – General Provisions

Section 1-1.c. Adding the definition of University. This addition is necessary because of the clarifying remark that in statute University is sometimes meant to be the BOR. Adding this definition allows a clearer description of when items are the responsibility of the BOR and when are they the responsibility of the University system.

Section 1-1. Elimination of the specific references to titles below the President. Two things in play here. First, the titles were sometimes out of date, e.g., Chancellor for Community Colleges. More significantly, the principle is that the BOR’s primary relationship is with the President of the system and the other officials report to the President and therefore don’t need to be specifically in BOR policy. The titles are also included in Chapter 2. The BOR still approves the organizational structure of those reporting to the President, including my position.

Section 1-2 and Section 1-3. Clarifying that in certain situations, consultation is with or through the Board Chair and not the whole Board. The current language could be interpreted that the full board had to act on communication requests or on policy interpretations. That is not practical.

Section 1-5. Expands the protected classes within the University’s non-discrimination policy. Don’t believe we have had any instances of the new classes being the basis for any actions but also don’t have any problem with the expansions.

Section 1-10.b.2.A – Adds probationary programs to the list of responsibilities. Current policy establishes that all new degree programs are established as provisional and must go through another step to become permanent. This
section just clarifies that in the same way that faculty make recommendations on establishing new programs, they should be involved in the decision to make a program permanent or not.

Chapter 2 – Administration

Section 2-1. Brings policy in line with previously approved title changes. No new title changes.

Note that in section 2-1.b my position remains 2nd in succession to the President after Linda Johnsrud.

Section 2.2.b.5 – Note that the administration and operation of each campus remains with the Community College Chancellors and not me. You will see other sections of the BOR policy that leave CC system policies, planning, and budgeting with me. That is current practice.

Section 2.2.e – Specifically allows the President to further delegate matters unless specifically prevented from doing so by the BOR. This is current practice but sometimes questions are raised over whether the President can further delegate. This says yes.

Section 2.3 – Evaluation of the President. The policy related to evaluation of the President is largely unchanged with some clarifying language around timelines and consultation. What is changed is the removal of the detailed format for the evaluation with specific questions. While many of the questions would likely be the same, the intent is to give the BOR the authority to develop specific evaluation questions related to President and the targeted issues for that year rather than having to follow a rigid format defined in BOR policy (meaning that changing anything in the format would require BOR action before it could be changed.)
Chapter 3 – Organization

Section 3-1.5.f – reflects previously approved name change for UH-Maui

Section 3.3 – Organization Charts. Again, the principle is that the BOR is directly responsible for the organization of those units reporting to it (like the internal auditor) and the organization of the President’s office and direct reports. Other organization charts are the responsibility of the President and through her delegation the various administrative officials. While this is the active policy, there is no reason to include the actual charts in the policies as long as the Board has access to them.

Chapter 4 – Planning

Section 4-1.c.1.d – adds clarifying language on the mission of the CC’s. The language change is consistent with state law and with the fact that we can offer bachelor’s degrees but limited to those in technical fields (as UHMC is doing). This is not a change in mission but reflects the current legal and policy mission for the CCs.

The policy also makes it clear that there is and shall remain a system of community colleges.

Section 4-7.e.2.a (page 8) clarifies that the comprehensive offerings of the CCs are a system function, not an individual function of each campus (including neighbor islands). The section further states our responsibility to use distance learning to ensure the comprehensive nature of offerings on the neighbor islands. This statement reflects the direction we have been moving.

Chapter 5 – Academic Affairs

Research is removed from this chapter and is now in a new Chapter 12

5-1.A.3 page 1 – The language change focuses on the policy requirement (that all programs must be consistent with the mission of the college) and removes the process discussion. The intent is that the entire process of new program approval, including the Authorization to Plan, the Program proposal, and BOR submittal, with the required and appropriate faculty involvement, would be in an executive policy. Nothing would change from the current policy that all new program proposals must come through the senates to get to the Chancellor to get to the system to get to the BOR.

The current language is not workable. Note the requirement that program proposals come with sufficient time to affect the BOR budget. Literally
interpreted that could mean a delay of one to two years, waiting for the next budget cycle.

5-1.A.3.b – All of the language relating to the provisional status of new degree programs is current practice and is only intended to clarify timelines and expectations.

5-1.A.3.e – Program review language reflects current accreditation standards that require programs to establish and be assessed against the student learning outcomes for that program.

5-1.A.3.e.3 – Comprehensive program review cycles are five years in the community colleges. The language makes it clear that UH Maui is subject to the same five year cycle, even for its BAS programs.

5-1.A.3.e.3 – Other changes basically say that the BOR will be informed of the results of the program reviews in accordance with WASC policies but leaves the details of how they are reported out of policy (likely to be moved to executive policy).

5-1.A.3.f – As proposed, Chancellors could approve a stop out of a program for up to two years; anything beyond that would require Presidential approval. This is good policy. It gives to the campus the ability to make the initial decisions without a lot of bureaucracy but holds the feet to the fire to figure out what to do with the program (revise and readmit? Terminate?) within two years or the Chancellor would have to explain the additional stop out to the President. Note – the President would likely delegate the authority for CCs to me.

5-1.A.3.g – Termination of programs. The current language was very confusing. The President had authority to terminate programs but only after “consultation” with the Board and only after a stop out. The change makes it clearer that the President can indeed terminate programs with due consideration for students currently enrolled and the President need only inform the BOR of the termination action. The President can/must also use the information in program reviews to help inform the decision. Note – these terminations still come up through the senates and campuses to get to the President.

5-2.b – Selection process for Excellence in Teaching (note that the Research awards have been moved to Chapter 12) removes the details and leaves the policy statement that the campuses must have a policy. This allows the campuses to design something that fits that campus.

5-3.c.1 – The specification that a semester is 15 weeks long is replaced by language that says the semester should be long enough to meet the expectations of standard academic standards (such as the accreditors). Opens
up the possibility of the shorter semester as is being discussed but does not mandate it.

5-3.d.2 – Language on faculty duty periods is unchanged but is moved from one paragraph lower. Reflects reality of the collective bargaining agreement.

5-6 – Centers. Generally, the CCs do not have BOR approved centers so this language doesn’t really impact us unless we decide to start creating such institutes or centers.

5-10 – Distance Education

In general, the rewrite tries to simply the policy statements while maintaining the commitment to distance education, to ensuring that the quality of distance education courses is consistent with educational standards, and that, by policy, UH adheres to the accreditation standards that distance ed students have access to not only classes but support services consistent with those available to on-campus students.

5-11.b.7 Non-resident caps. Makes it clear that the caps apply only to undergraduates and that the BOR may set the caps. Right now CC caps are 15% (applies to the system) and we are not close to that cap.

5-12 Early admission. Reduces the Board policy to say that the BOR encourages it and then direct the Chancellors to come up with the rules and procedures. Good example of where the BOR policies should not have detailed administrative rules and these have been removed in the rewrite.

5-13 – General Education

Again, an attempt to establish broad policy parameters but leave the details up to the campuses. In this case, the end result is still subject to BOR approval.

5-15 – University Centers

Editorial changes in the layout of the language defining University Centers. No substantive changes from current practice or policy.

5-16 – Libraries

Establishes broad policy parameters but delegates to the President (who may further delegate) the actual policies for various library related activities. Right now, any small change in library fees or practices would have to come to the BOR since the procedures are defined in policy; under the revision these procedures would become an administrative procedure and could be changed more efficiently.
5-19 – Creation of academic policies. Specifies that when President creates implementing policies and procedures that the process must include faculty and campus consultation (not specified in the current policy).

Appendices are removed. Note that currently UHM general education requirements are included but not those of any other campus.

Chapter 6 – Tuition, Financial Assistance, and Fees

6-2 – No significant changes from current practice.

6-3 – Fees. No changes from current practice but the section is rewritten to make it clear that there are certain fees that are established by the BOR, including the rates associated with those fees. Generally these are fees that affect all students and are a mandatory part of the cost to the student.

The second section identifies another set of fees that are established by the BOR but once established the President (or designee) can set the rates associated with that fee.

The one change from current practice is that athletic ticket prices at UHM which had been coming to the BOR would now be delegated to Manoa.

6-4.a Clarifies that we no longer do waivers but rather create scholarships or financial assistance for students. This is current practice.

6.4 With the exception of the Regents and Presidential Scholars program (a child of the BOR) details of all other financial assistance programs are moved to executive policy. This allows UH to create/modify those programs without further BOR approval.
Chapter 7 – Student Affairs

7-5 Housing (generally doesn't impact CCs since we don't have any housing), but if we did the section removes much of the administrative details and moves the fees back to Chapter 6.

7-6.b BOR short term student loan program is removed as it no longer exists.

7.7 – International student health insurance. Old language was Manoa centric. New language is simpler and applies to all students at all campuses.

Appendices – Removes all documents from the policy. The documents included were from some campuses (not all) and some organizations (not all). No reason for them to be in policy.

Chapter 8 – Business and Finance

Raises the limit on contracts that the President can sign from $1,000,000 to $5,000,000 for construction contracts and from $300,000 to $1,000,000 for services and consulting contracts, $1,000,000 to $5,000,000 for goods and services. Does not affect the procurement guidelines but rather whether or not the BOR must have prior approval before executing the contract.

8-3 Budget – Removes much of the procedural aspects of budget development and submittal from BOR policy. BOR still approves the budget policy paper and the final budget.

Removes all of the fees from Chapter 8 (now in Chapter 6) and all of the related appendices related to the fees.

Chapter 9 – Personnel

9-2.a.2 – Restablishes the distinction between executive and managerial appointments. While the details are still not final, it appears that Vice-Chancellors and above in the CCs will be considered executive; deans, directors, staff positions that are excluded are managerial. No change in title or compensation because of the distinction. The consultant from the Association for Governing Boards said it was confusing to consider anybody in a management position to be considered an “executive” and recommended the change.

9-2.a.3 – Various appointments. The language clarifies that most of these things are governed by collective bargaining and those that are not are delegated to the President to develop in consultation with the campuses. Details to go into Executive policy rather than BOR policy.

Faculty classification – page 38
As with all of the classification documents, the BOR policy would set broad parameters (in the case of CC faculty that there would be only one type of faculty member) and then moves the details of the classification plan out of BOR policy. Developing or modifying the actual policy would still be subject to consultation as required by law.

While the changes seem massive in this Chapter, the reality is that the level of detail that is currently in the BOR policy is probably not appropriate and belongs, as is proposed, in executive policy that implements the broad policy directions of the BOR.

Chapter 10 – Facilities

10-1 Changes the requirement that every lease of $50,000 total value or in excess of one year in length requires prior board approval. In other words, a lease of $5000 per year for 10 years requires BOR approval and a lease of $1/yr for 5 years requires BOR approval. Gives adminstration much more authority to enter into lease arrangements with consultation with the Board (rather than prior approval). A good thing…

10-2  Gives president authority to modify the list for EIS exceptions without having the list included in BOR policy.

10-3  – Removes the details of the child care policies from BOR policy and places it into related executive policies.

Chapter 11 – Miscellaneous

11-8 The legislature sometimes requests reports and directs the report to the BOR. Some have interpreted that to mean that the BOR itself must approve the report prior to its submittal to the legislature. This section clarifies that the BOR may delegate the reporting requirement to the President.

Chapter 12 – Research

Generally doesn’t impact CCs.