



Meeting Minutes
January 27, 2020
Higher Education Policy Commission
9th Floor Conference Room
9:00 am

MEMBERS PRESENT

Jane Fouty	BridgeValley Community & Technical College
Amy Pitzer	Concord University
Clark Kendall	Fairmont State University
Michele Lang	Glenville State College
Teresa Meddings	Marshall University
Dee Preston	Mountwest Community & Technical College
Tabatha Parker	New River Community & Technical College
Sherry Donovan	Shepherd University
Chris Gray	Southern West Virginia Community & Technical College
Dawn Swiger	West Liberty University
David Hays	West Virginia State University
Shirley Robinson	West Virginia University
Carrie Watters	WV Higher Education Policy Commission
Jenna Derrico	West Virginia Northern Community College
Barbara Sanders	West Virginia School of Osteopathic Medicine
Melissa Hoag	West Virginia University Institute of Technology

MEMBERS ABSENT
(EXCUSED)

Deirdre Guyton	Bluefield State College
LeeAnn Shreve	Eastern West Virginia Community & Technical College
Beverly Jones	Pierpont Community & Technical College
Verne Britton	WVNET
Kim McFee	West Virginia University at Parkersburg

(UNEXCUSED)

Angie Kerns	West Virginia Community & Technical College System
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GUESTS

Ken Harbaugh	Emeritus
Bob Long	Emeritus
Dr. Sarah Tucker	Chancellor, West Virginia Community & Technical College System Interim Chancellor, West Virginia Higher Education Policy Commission
Matt Turner	Executive Vice Chancellor for Administration, West Virginia Higher Education Policy Commission
Bruce Cottrill	Director of Classification and Compensation, West Virginia Higher Education Policy Commission

1. Call to Order & Establish Quorum

1. Meeting was called to order at 9:13 a.m. Quorum was established.

2. Meeting with Senator Rucker

1. Part of the Legislative Committee met with Senator Rucker, Senate Education Committee chair.
2. Items reported by the group on their discussion with Senator Rucker.
 - i. Senator listened to the ACCE comments.
 - ii. The Senator is working this session to establish criteria to determine and define what is an Exempt school.
 - i. The definition will not affect the current status of the three exempt schools, but the Legislature may review what these schools are exempted from in the future.
 - ii. Fairmont State University and Shepherd University are rumored to be seeking exempt status.
 - iii. Number one criterion to help determine whether a school may be exempt is financial stability.
 - iv. HEPC provides many services for institutions and she wants to make sure any exempt school can financially afford to cover those expenses currently covered by HEPC services.
 - v. Not wanting to rush through the development of the definition for exempt status.
 - iii. Legislature will be working on a funding formula. She is happy with the model that was developed by the Higher Education Policy Commission prior to the Blue Ribbon Commission.
 - iv. This Legislative session is looking to have a higher education focus.
 - v. The group discussed the section of 18B – 9-A code that schools are using to make all staff non-classified. The issue is the lack of a definition for critical employees.
 - vi. Who is monitoring and reviewing the exempt criteria? If there is nothing in code, then there will be confusion as to who should and will be monitoring the exemption criteria.
 - vii. The group mentioned to Senator Rucker that there is no consistency on how policies and code is interpreted. There needs to be specific language on who and what needs to be monitored.
 - viii. A big concern of ACCE is our voice to the HEPC and the Legislature. We need to be listened to and consulted about issues concerning higher education employees.
 - ix. Reminded her that the community colleges benefit from the HEPC. There are shared employees between the Council and Commission.
 - x. Should there be two chancellors or one chancellor over the two systems?

3. Introductions/Guests

1. Dr. Sarah Tucker and Matt Turner
 - i. Big concern: 2.5% drop in the college-going rate this year.
 - i. A significant problem is the opioid crisis. Students can't complete FAFSA because they live with a custodian who does not have legal custody. Schools can make exemptions for these situations. Dr. Tucker is talking to the CTC presidents about how this exemption is processed. The colleges are starting to feel the opioid crisis now. Dr. Tucker is going to work with West Virginia Association of Student Financial Aid Administrators (WVFAFSA). Dr. Tucker has sent some proposed language to Senator Capito to make changes in federal aid. More than 43,000 children under 18 living out of the normal family structure. Is planning on working with Bonnie Dunn from WV State University's Grand Families grant.

- ii. Institutions are going to have to take a hard look at how aid is applied and processed.
- ii. Legislature
 - i. House
 - i. a funding formula model for 4-year. The college Presidents are willing to work together. Agree to look at measures, but not rates. No one will lose funding. It will look at how new money is distributed.
 - ii. The community colleges have agreed to a base funding formula where funding cannot go below the current base funding.
 - iii. The House Speaker has said that if the 4-year do not agree to a funding formula, then the legislature will come up with their own.
 - iv. Extra funding last year to the 4-year colleges was used mostly to eliminate the inequity between institutions. The funding formula needs to have adjustments for inflation. Probably will not go into effect in July. This is a recommendation (model) on how funding should be distributed based on set criteria.
 - v. Community colleges need to work on getting their workforce data correct since this is one of the measures for a funding formula.
 - ii. Senate
 - i. There will be an exemption bill. Not sure what it looks like yet. Dr. Tucker has talked to Senator Rucker. She has detailed to the Education Chair what are the schools being exempted from. If exempting, there should be some basis, there should be some criteria to grant the exemption. Looking at having different categorizes of items that schools could be exempt. Looking at different levels or categories of exemption. Also, possible to lose exempt status if a school, were to fall below set criteria. HEPC will still be doing data collections for the schools including the exempt schools.
 - ii. There is no discussion on the Policy Commission going away.
- iii. There needs to be a look at the HEPC HR office. Going to look at the services that are provided by the HR Office. Bruce Cottrill is leaving the HEPC.
- iv. There has been a lot of change in the Central Office. Trying to get some stability in the Central Office. Probably will see some structural changes. Looking at the structure of departments and offices.
- v. There is a bill that would allow the HEPC and CTC choose to have one or two chancellors. There will still be a Council and Commission. The membership of both needs to be different. CTC needs to be industry people. The Council membership should have a different focus.
- vi. Conversations on merging CTC and 4-year institutions are now off the table. Pierpont and WVU Parkersburg will stay community colleges.
- vii. Staffing levels -- some schools are looking at the levels of faculty because of dropping enrollment. A researcher has looked at the indicator of college decline. One thing is an institution developing programs outside their mission. Part of the funding model is the institution will have to choose where money goes. To help with mission creep, the legislature is keen on weighting programs that are needed in WV. Those who graduate in a needed field will be considered 1.5, additional funding.
- viii. Perkins reauthorizations -- trying to change to the Perkins rules. CTC's should get more high school graduates into CTC. Institutions who get more high school students will get incentive money. Chancellor will hold back 5% of Perkins funding to fund this incentive program. This 5% is new funding and not funds

already going to the CTC's. This new 5% funding is being received this year in the Perkins re-authorization.

- ix. There is a difficulty finding good board members for the institutional Boards of Governors. Bigger institutions can get more people willing to serve which makes it more difficult for the smaller institutions to get board members.
 - x. Accountability
 - i. Some institutions have done what the exempt schools have been granted permission to do.
 - ii. Some institutions are not allowing employees serve on ACCE. They justify this because the school does not have Classified Staff. Some presidents are not allowing ACCE members travel to meetings.
 - iii. Are BOG policies getting proper review? Kristen Boggs, General Counsel, reads all the policies and will tell a school if the policy is legal or not legal.
 - iv. Issues with code and representation for schools who are all non-classified staff.
 - v. There needs to be more listening to people at all levels.
 - 1. House presentation -- asking for a new bond for deferred maintenance. For both systems. Legislature seems to understand the need. Beginning conversation for a steady stream of funds for higher ed to use for maintenance. Fund it like the K-12 system, the SBA system. The bond will be through appropriation. The lack of maintenance has affected program decisions and staffing decisions.
 - xi. Two Items Chancellor Tucker is asking for our support
 - i. \$15 million bond issue that is for Deferred Maintenance.
 - ii. \$2 million to use as incentive to move to open educational resource materials. In Banner, flag courses that use open resources which means the course costs less. David Hays expressed concern that could be jobs in jeopardy for bookstore staff. She would take that into consideration in further discussions.
 - xii. Interest in automatic transfer from CTC to 4-year schools. Need to look at the 47% of high school students who are not going to school after high school graduation.
2. Amy Pitzer, ACCE Chair thanked Dr. Tucker, Chancellor of the HEPC, Matt Turner and Carrie Watters for hosting the ACCE meeting.

3. Discussion on HB 2542

- 1. Carrie handed two handouts on HB 2542.
- 2. Key Provisions of HB 2542 and the Impact.
- 3. FAQ House Bill 2542.
- 4. Discussion ensued
 - i. HB 2542 and what has changed or has not been followed in State Code.
 - ii. Issue with the changes from exempt and non-exempt. Also, the impact in the change of FSLA dealing with the salary threshold to be an exempt employee.
 - iii. Performance evaluations and merit.

4. Approval of December 2019 minutes

- 1. Carrie Watters moved to accept minutes as presented. Jane Fouty seconded the motion. Minutes were approved.

5. Committee Discussion and Appointments

- 1. Discussion on the current committee structure
- 2. Function and times for committee meeting (via email, phone or in person)
- 3. Look at time set aside during the regular ACCE meeting for committee meetings
- 4. Should there be a retreat committee or shift responsibility to another committee? The overall consensus was to keep the Retreat Committee.

- 5. Committees
 - i. Benefits Committee
 - i. Members
 - i. Barbara Sanders - Chair
 - ii. Dee Preston
 - iii. Tabitha Parker
 - iv. Jane Fouty
 - v. Kim McFee
 - ii. Legislative Committee
 - i. Members
 - i. Carrie Watters -- Chair
 - ii. Verne Britton
 - iii. Chris Gray
 - iv. Shirley Robinson
 - v. Amy Pitzer
 - vi. Barbara Sanders
 - vii. David Hays
 - viii. Dawn Swiger
 - iii. Web/Communications Committee
 - i. Members
 - i. Clark Kendall
 - ii. Jenna Derrico
 - iii. David Hays
 - iv. Shirley Robinson
 - v. Verne Britton
 - vi. Carrie Watters
 - iv. Student Advocacy Committee
 - i. Members
 - 1. Carrie Watters
 - 2. Michele Lang -- Chair
 - 3. Teresa Meddings
 - 4. Melissa Hoag
 - 5. Sherry Donovan
 - v. Retreat Committee
 - i. Originally formed to help chair find a retreat location and work on finding guest speakers
 - ii. Members
 - 1. Shirley Robinson -- Chair
 - 2. Dawn Swiger
 - 3. Chris Gray
 - 4. Jane Fouty
 - 5. Melissa Hoag
 - vi. Ad-Hoc By-Laws Committee
 - i. Members
 - 1. Amy Pitzer
 - 2. Shirley Robinson
 - 3. Jane Fouty
 - 4. Barbara Sanders
 - 5. Carrie Watters
 - 6. Dee Preston
 - 7. Jenna Derrico
 - 8. Bob Long

9. Ken Harbaugh

6. Bruce Cottrill

1. Updates
 - i. Last day February 14, 2020
 - ii. Focus in last week is on TIAA and get documents updated
 - iii. Will be submitting an updated job description for his position
 - iv. New HEPC General Counsel -- Kristen Boggs
2. Goal of the compensation system should be to get all employees in the 2nd and 3rd quartile which is within 10% of mid-point. Good examples of pay for performance are WVU, Fairmont State, and West Liberty. No CTC is doing a good job in progressing. Before implementing a pay for performance, make sure all supervisors are trained in how to evaluate employees. Need to hold institution accountable for salary and market equity. There should be a pot of money set aside that is for raises and equity. Need to work on inside equity to bring up existing employee salaries. Need to look at the salary guidelines from the HEPC page. HR Offices have access to Market Pro and can look at the salaries at other schools.
3. Average cost to advertise a job -- at least \$10,000 (newspapers) rough estimate is \$30,000 to replace or hire a new employee
4. Lack of Transparency
 - i. Not advertising positions
 - ii. Not advertising pay grades when advertising a position
5. Issues that are holding Higher Ed HR back especially in Class and Comp
 - i. Flip in political party dealing with state leadership
 - i. Need to talk to these new people in dollars and costs because they are small business owners. Talk to them like business people. When talking to them, give them suggestions on how to solve the issue
 - ii. Need for a yearly personnel budget or a line item for it on the current budget. Also, ask that the funds are not swept during tight financial times
 - iii. Get rid of language that prevents non-base building enhancements (i.e. bonuses). Change code to allow for bonuses.
6. There is no discussion on the five-year review of the current salary system
7. The group is deeply saddened by Bruce leaving the HEPC. Amy Pitzer took time to Thank Bruce for all his work and working with our ACCE. He will be missed by the group. ACCE wishes him the best in his new endeavors.

7. Proposed Legislation

1. There will be something on a funding model
2. Looking at the exempt status
3. \$15 million bond issue
4. \$2 million for open resource
5. SB 127 -- Allowing institutions to eliminate tenure
6. SB 179 -- Affecting State Teachers' Retirement
7. SB 616 -- Relating to Grievance Procedures
8. HB 2032 -- Permitting Concealed Carry

8. Proposed Code changes

1. Discussion ensued about when or should we introduce changes to state code. The possible risks of opening state code

9. Campus Concerns

1. Glenville State College -- had to borrow approximately \$1 million to meet bills and pay roll during fall. Now having to figure out how to pay back and may need to borrow more money. The sources for the loans were Glenville's Foundation, Housing Corp, and Money ahead of appropriations (not sure how they got money ahead of scheduled distribution of appropriated funds). It was reported that the Glenville administration

- did not calculate retention figures correctly. All budgets reduced by approximately 10%. Administration has given back approximately 2% of their 4% raise.
2. Jenna wanted to know if any other school has given across the board dollar amount raises. All employees got the same dollar amount. Concord and several other institutions have given across the board dollar amount raises.

10. Upcoming Meetings

1. HEPC Meeting – 9:00 a.m. on February 7 at the WV Regional Technology Park in South Charleston
2. CCTCE Meeting – 9:30 a.m. on April 23 at the South Central ATC, South Charleston, WV
3. ACCE Meeting – 9:00 a.m. on February 25 at MUGC

11. Adjourn

1. David Hays motioned to adjourn the meeting. Carrie Watters seconded the motion. Meeting adjourned at 4:17 pm.

Submitted by,
J. Christopher Gray,
ACCE Secretary