MINUTES

BOARD OF REGENTS

August 25, 2021

The Board of Regents met as a Committee of the Whole at 9:00 a.m., Wednesday, August 25, 2021, via video conference. Chair Blake David called the meeting to order.

ROLL CALL

Board Secretary Christine Norton called the roll, and a quorum was established.

Present for the meeting were:

Blake David, Chair

T. Jay Seale III, Vice Chair

Sonia Pérez, Secretary

Randy Ewing

Stephanie Finley

Cameron Jackson, Student Member

Robert Levy

Charles McDonald

Darren Mire

Wilbert Pryor

Gary Solomon, Jr.

Terrie Sterling

Collis Temple III

Felix Weill

Judy Williams-Brown

Absent from the meeting was:

Phillip May, Jr.

Mgt. Board Representatives present:

Willie Mount, LCTC System

Mary Werner, LSU System Leon Tarver, SU System

Mark Romero, UL System

CERTIFICATION FOR VIRTUAL MEETING

Chair David referenced the Board of Regents' certification of inability to operate due to the lack of an in-person quorum. The certification is available on the Board of Regents website and was included with the meeting materials.

PUBLIC COMMENTS

Chair David asked if there were any public comments. There were none.

On motion of Regent Temple, seconded by Regent McDonald, the Board, acting as a Committee of the Whole, voted unanimously to approve the minutes of the June 16, 2021 and August 10, 2021 meetings.

COVID-19 UPDATE FROM SYSTEM PRESIDENTS

Dr. Kim Hunter Reed, Commissioner of Higher Education, said that the start of the Fall Semester is a busy and challenging time, especially with the fourth COVID surge in our state. Dr. Reed said that we remain engaged with our partners at the Louisiana Department of Health and the Office of Public Health, sharing guidance, best practices and curated resources for our system and campus leaders. She expressed gratitude for all the hard work to open campuses safely for our students, faculty and staff this semester. She noted that last week Regents hosted an All-Higher Education COVID Webinar, joined by State Epidemiologist, Theresa Sokol, to share the most up-to-date COVID data and encourage everyone to do their part to mitigate the spread of the Delta Variant, centered on the message that "masks stop the surge, vaccines stop the pandemic." Dr. Reed said that our student leaders are committed to doing their part and want to help disseminate trusted information to their peers so they may better understand the importance of masking, vaccinations and testing as strategies to get back to normal campus life. The Council of Student Body Presidents received COVID Tool Kits entitled, "What Can Student Leaders Do?", advising them how to be effective health ambassadors as they return to campus. The tool kit encourages them to host informational events, promote vaccine drives, engage with their student media resources and participate in the social media campaign, #studentsdotheirpart. She said the staff sent them social media graphics with "Masks Stop the Surge, Vaccines Stop the Pandemic" messaging that can be branded with their school colors, logo, mascot, and/or students images, and they are all amplifying posts from trusted sources. She said that we are excited that the Governor launched the Shot for \$100 campaign on August 12th, incentivizing college students to get vaccinated via distribution of 75,000, \$100 Visa cards, with the systems designating the number of cards to be allocated to each campus. She expressed her gratitude to Governor Edwards for investing resources in getting students vaccinated. Dr. Reed then welcomed the

system presidents to share updates on the start of the Fall semester, their COVID protocols, enrollments, and strategies for success as we continue to monitor our rapidly changing higher education environments.

Dr. Reed introduced Louisiana State University System President Dr. William Tate. Dr. Tate thanked Dr. Reed and the Governor for their work to implement the Shot for \$100 campaign and acknowledged the National Guard for their assistance on campus. Dr. Tate said that LSU, particularly its Baton Rouge campus, has an S³ strategy – screening, scanning and securing. He said that LSU campuses have implemented a screening mechanism that requires students to provide documentation that they have received the vaccine, received a negative COVID test, or have tested positive for COVID in the past 90 days. He explained that the scanning mechanisms are twofold: those students who have not received the vaccine are being tested monthly, and wastewater technology highlights on-campus hot spots. He said that securing involves quarantining those who have been identified as exposed to COVID and continuing to promote the vaccine, saying that the FDA's full approval of one vaccine will allow a vaccine mandate to be implemented soon on campus. He also said that entry to football games will require proof of vaccination or a negative COVID test. He noted that there appears to be an uptick in vaccinations and general optimism that LSU can get its student body and staff vaccinated. He said that he appreciates the support of Dr. Reed and the Board.

Dr. Reed welcomed Southern University System President Dr. Ray Belton and congratulated him on his upcoming retirement. Dr. Belton said that Southern University welcomed its students back on campus a few weeks ago, classes began last week and he was pleased to report that, despite the pandemic, enrollment across campuses has increased. He said that students who reside on campus are required to provide proof of vaccination or a negative COVID test within 72 hours of entering campus. He said that Southern leadership is very pleased with the degree to which the student leaders, fraternities and sororities are spreading the word across campus and encouraging students to get vaccinated. He noted that the football program reported a 100% vaccination rate. He noted that Southern University has offered various incentives, such as tuition discounts and book vouchers, to encourage students to get vaccinated.

Dr. Reed said that she appreciates the commitment to student safety and was looking forward to engaging with the students during her visit to Southern later this afternoon.

Dr. Reed welcomed University of Louisiana System President Dr. Jim Henderson. Dr. Henderson said that he was excited to hear of the full FDA approval of the Pfizer vaccine and thinks this will be a game-changer in increasing vaccination rates across campuses and the state. He said that the UL System operates under a hierarchy of principles, with health and safety of students, faculty, staff and the community being paramount, while the continuity of learning and research, financial health and viability of enterprise, and social, emotional and economic welfare of the community must also be considered. He said the nine UL campuses all operate within a central framework, which allows them to meet the specific needs of their regions and their communities, while noting that masks are required for all people in all indoor facilities and testing and vaccination incentives are available on every campus. He said that COVID vaccinations are now on the schedule of required immunizations for entry to all nine institutions. He further explained that we are in a state that allows a philosophical exemption to vaccine mandates and that we must influence behavior by educating the population and dispelling misinformation around the safety and efficacy of the vaccines. In addition, he noted that much of the preclinical work associated with the Pfizer vaccine was overseen by research faculty from ULL at the New Iberia Research Center. He said that we must find ways to educate our students, their parents, and members of the community that the vaccine is the best step that they can take to protect themselves from severe disease, hospitalization, and death. He said that vaccination is our path forward. He noted that, despite the challenges of the last year, there were over 17,000 completers at UL campuses across the state, which is a testament to the dedicated work, creativity and ingenuity of the faculty across the state, and he hopes that faculty and staff are rewarded through salary increases budgeted for the upcoming year. He then thanked Dr. Reed, the Board, Governor Edwards, and the legislative partners who have supported higher education throughout the pandemic. Chair David asked what percentage of students were vaccinated. Dr. Henderson said approximately 40% are fully vaccinated, but that this number is increasing. He said that he recently read

about the Swiss cheese model, noting that we must layer our protections with vaccines, masks, education, and social distancing.

Dr. Reed then introduced Louisiana Community and Technical College System President Dr. Monty Sullivan. Dr. Sullivan said that the pandemic has been the greatest learning opportunity that our nation has ever faced. He said that he is so impressed with the research and learning that has taken place around COVID. He said that this is a learning opportunity to teach people where to get reliable information. Dr. Sullivan stated that LCTCS campuses continue to follow CDC guidelines and focus on the mission, reminding the Board that we must not let COVID overtake the mission. He noted that SOWELA and its Chancellor, Neil Aspinwall, have overcome many troubling circumstances over the past year, but have remained focused on the mission. He said that 5,200 graduates received short-term training certifications during the past year thanks to the support of Dr. Reed, Governor Edwards and the Reboot Your Career initiative. He also thanked Barbara Goodson for her support of additional funds to the Reboot 2.0 campaign. He noted that there was an early graduating class of healthcare workers, which demonstrated what the virus circumstance has taught us: that our ability to scale up and produce a healthcare workforce is broken because it is so highly regulated by so many different organizations. He said that, following COVID, the level of regulation currently burdening to our healthcare industry and the healthcare workforce must be reviewed.

Dr. Reed thanked the presidents for sharing their updates. She said that we must work on how to move beyond the pandemic, focusing on lessons learned. She noted that budget hearings will be held next month and we must not only continue to regard higher education as a strategic asset but also consider the power of strategic investments, strategic policy decisions, and structural and system redesign, which will allow us to stay true to the mission and our goal of doubling the number of credentials in our state. Regent Weill said that we should provide information on monoclonal antibodies and where to receive them to those who test positive for COVID on our campuses. Chair David concurred. Regent Pryor asked how the systems will deal with fake vaccination cards and asked if the institutions are using LA Wallet. Dr. Henderson explained that while the LA Wallet app is a great asset,

institutions are part of the Louisiana immunization network, which allows them to verify vaccination records.

CHAIR'S COMMENTS

Chair David made the following comments:

- Chair David wished happy birthday to Ms. Willie Mount of the LCTCS Board of Supervisors.
- He said that the student population has had an interrupted learning experience and that we must focus on safety and continuing education.
- Chair David thanked Board members, staff, system and campus participants for attending our Special Meeting earlier this month to adopt Power-Based Violence and Title IX policies, and for their participation last week in the mandatory training for postsecondary education board members. He noted that the policies have been shared with the private institutions and that many of those institutions participated in the training. In addition, he recognized the outstanding work of Ms. Brianna Golden, Associate and Policy Advisor, and Dr. Allison Smith, Senior Program Administrator, noting that they have gone above and beyond and produced outstanding work on behalf of the Board.
- He acknowledged Student Member Cameron Jackson and asked him to share his report. Regent Jackson provided updates on some of the SGA action items around the state:
 - He reported that a survey was sent to the Council of Student Body Presidents (COSBP) members to see if they had used the suggestions in the Mask/Vax Ambassadors toolkit, created by Regents staff. He reported the following results:
 - Nine campuses have shared informational posts from trusted resources such as the Governor's Office, CDC, and LDH.
 - Five SGA resolutions have been adopted to encourage masking and vaccines, with four more pending.
 - Two letters to the editor have been printed in school newspapers, with five more planned.
 - Five informational events have been held. One institution had a biology professor available to debunk vaccine myths.
 - Earlier this month, student-based panel sessions were held to gain insight from the student body presidents to determine target areas preventing students from getting vaccinated.
 - Regent Jackson said that he decided to push for mini informal sessions to address vaccine hesitancy at Grambling. He explained that the goal of these informal sessions was to get the help of individuals with knowledge about vaccine hesitancy and who are part of the minority community to serve as examples to encourage hesitant students to get vaccinated. He hopes this can be implemented on a macroscale across the state for students to gain insight.

- He said that he is currently working on compiling a list of health officials in each area to send to each SGA president so they may contact these individuals and professionals to debunk vaccine myths and misinformation.
- O He noted that many students have taken note of the "Opt-Out" option offered by universities. He explained that it is important to continue the work of educating and encouraging students to get vaccinated and to prevent them from opting out based on incorrect information found on the internet and social media.
- Regent Jackson said that he would like to meet with SGA presidents across the state to discover specific problems/issues on each campus, such as broadband issues in central and north Louisiana, and work to address them. In addition, he has created a P.U.S.H. in LA campaign Pushing Undergraduate Students Higher in Louisiana. He said that this initiative that will target junior- and sophomore-level students in the state to get their views of where we have educational gaps. Ideally, this would be an anonymous questionnaire to be sent sometime in mid-September.
- Chair David said that McNeese and SOWELA have welcomed students back to campus and are operational despite tremendous challenges, with 128 buildings on those two campuses, every building on both campuses, either damaged or destroyed last year by Hurricanes Laura and Delta. He noted that the estimated cost of repairs to date is \$186 million, with 95 of those projects completed and approximately \$95 million expended in just 11 months' time. He said that it has taken a lot of sweat equity, a tremendous amount of patience, persistent leadership and a "can-do" attitude to recover as quickly as they have, and we are grateful to the campus presidents, faculty and staff who have prioritized their campus recovery. He then thanked Commissioner Jay Dardenne and Deputy Commissioner Barbara Goodson from the Division of Administration, Casey Tingle, Deputy Director, and Lynne Browning, Assistant Deputy Director of Public Assistance, from the Governor's Office of Homeland Security, Melissa Harris, Director of the Office of Risk Management, and Mark Moses, Assistant Commissioner, and Jason Sooter, Director, from the Office of Facility Planning and Control, noting that we are grateful for their coordination, spirit of public service and commitment to our colleges and universities. He then invited Mark Moses to speak.
 - o Mr. Moses said that lessons were learned from previous disasters and the key lesson learned was not to wait to begin the repairs. Construction began on the campuses in November 2020 and, while the campuses are not yet fully restored, work will continue until they are. He said that this could not have been done without support of those mentioned by Chair David and in addition: Governor John Bel Edwards, Commissioner Reed, Dr. Henderson, Dr. Daryl Burckel, President, and Richard Rhoden, Director of Facilities and Plant Operations, at McNeese State University, Dr. Sullivan, Dr. Neil Aspinwall, Chancellor of SOWELA Technical Community College, Steve Losavio, Assistant Director of Facility Planning and Control, and the Southwest Legislative Delegation. He said this is an amazing group and he is proud to be part of it.
 - Or. Aspinwall said that the SOWELA campus was torn apart by the 2020 hurricanes, and it was a breath of fresh air to have students return for the Fall semester. He said the longer students stay out, the greater the chance that they will not return. He said that while the buildings are not finished, they are operational and 75% of the student population has returned. He said the campus is glad to be back and may be stronger than ever.

- Or. Burckel said that many McNeese students took refuge in sister institutions during the past year and, thanks to the dedication of faculty and staff, they had a successful semester. He noted the resiliency of the student body and said that, while the region is still recovering, they are looking at this as an opportunity to improve the campus and continue the mission for the next generation.
- o Dr. Reed thanked Dr. Aspinwall and Dr. Burckel for their leadership and commitment. She said this is an example of how the people of Louisiana work together, supporting each other and making great things happen.

REPORTS AND RECOMMENDATIONS

FACILITIES AND PROPERTY

ACT 959 PROJECT: NICHOLLS STATE UNIVERSITY

Mr. Chris Herring, Assistant Commissioner for Facilities, presented the item.

On motion of Regent Ewing, seconded by Regent Temple, the Board, acting as a Committee of the Whole, voted unanimously to approve the Act 959 project submitted by the University of Louisiana System Board of Supervisors, on behalf of Nicholls State University, to construct a new business incubator on the Nicholls campus.

ACADEMIC AND STUDENT AFFAIRS

CONSENT AGENDA

Dr. Susannah Craig, Deputy Commissioner for Academic Affairs and Innovation, presented the Consent Agenda items.

- a. Terminations
 - i. PBC Autism Spectrum Disorder UL Monroe
 - ii. GC Early Childhood Education LSU A&M
 - iii. MEd Education Technology Leadership McNeese
- b. Routine Staff Approvals

On motion of Regent Solomon, seconded by Regent Temple, the Board, acting as a Committee of the Whole, voted unanimously to approve the items on the Consent Agenda.

ACADEMIC PROGRAMS

Dr. Craig presented the Academic Programs items. Regent Ewing inquired as to the costs associated with the new proposed programs, particularly the Undergraduate Certificates at Nicholls. Dr. Craig explained that these programs would be established at no added cost due to the use of existing faculty. She noted that if new faculty were to be hired, these costs would be included in

the proposals. Regent Solomon asked if it was typical for new faculty to be hired once a program became successful, and how this would affect programmatic costs. Dr. Craig explained that the program would be considered cost-neutral because the costs associated with hiring new faculty would be offset by the tuition revenues generated by the new students.

a. Letter of Intent

- i. Bachelor of Applied Arts and Sciences LSU Alexandria
- ii. MS Architecture LSU A&M
- iii. PhD Pathology & Translational Pathobiology LSU HSC Shreveport

b. Program Proposals

- i. UC Childcare Administration LSU A&M
- ii. UC Criminal Justice LSU Alexandria
- iii. UC Foundations of Business Analytics Nicholls
- iv. UC Foundations of Management Nicholls
- v. UC Foundations of Marketing Nicholls
- vi. BS Integrated Science & Technology Southeastern

On motion of Regent Levy, seconded by Regent Mire, the Board, acting as a Committee of the Whole, voted unanimously to approve the Academic Programs items as presented.

2021-22 ARTICULATION MATRIX

Dr. Craig noted that the Board of Regents staff worked with Louisiana Association of Independent Colleges and Universities (LAICU) to include non-public institutions in the 2021-22 Matrix, with three institutions added and two pending.

On motion of Regent Seale, seconded by Regent Temple, the Board, acting as a Committee of the Whole, voted unanimously to approve the Academic Year 2021-22 Master Course Articulation Matrix and the Louisiana Common Course Catalog, authorizing BoR staff to continue to work with the institutions to expand and update the Matrix and the Catalog throughout the year.

STATEWIDE PROGRAMS

CONSENT AGENDA

Dr. Sujuan Boutte, Executive Director of LOSFA, presented the Consent Agenda.

Regent McDonald asked if the addition of African American Studies as an option would replace

American History in the Social Studies curriculum for TOPS. Dr. Boutte said it would not.

- a. Approval of Initial Rulemaking to Implement Act 334 and Act 95 of the 2021 Regular Session of the Louisiana Legislature
- b. Approval of TOPS Exception

On motion of Regent McDonald, seconded by Regent Sterling, the Board, acting as a Committee of the Whole, voted unanimously to approve the items on the Consent Agenda.

RESEARCH AND SPONSORED INITIATIVES

CONSENT AGENDA

Ms. Carrie Robison, Deputy Commissioner for Sponsored Programs, presented the Consent Agenda item. Regent Finley asked if there had ever been a national search for the interim Endowed Chairholder at UNO, who was now being appointed permanently. Ms. Robison said that Regents staff would not be made aware of national searches outside of the Endowed Chairs program, but noted that often faculty members at all levels are selected via a national search at the beginning of their tenure. Regent Finley also asked if the request was submitted to the Commissioner in writing and reviewed by an external consultant. Ms. Robison said it was.

a. Appointment of Endowed Chairholder without National Search: University of New Orleans

On motion of Regent Weill, seconded by Regent Williams-Brown, the Board, acting as a Committee of the Whole, voted unanimously to approve the item on the Consent Agenda.

PLANNING, RESEARCH AND PERFORMANCE

Dr. Craig and Dr. Randall Brumfield, Deputy Commissioner for Strategic Planning and Student Success, presented the Consent Agenda items.

CONSENT AGENDA

- a. R.S. 17:1808 (Licensure)
 - i. Initial Applications
 - (a) High Tech High Graduate School of Education (HTH GSE)
 - ii. Conditional Applications
 - (a) American University of Technology (AUTech)
 - (b) Robert Cavelier University (RCU)
 - iii.Renewal Applications
 - (a) Texas Wesleyan University (TWU)

- b. Proprietary Schools Advisory Commission
 - i. Initial Applications
 - (a) Baton Rouge School of Phlebotomy
 - (b) Synergy Massage Institute
 - ii.Change of Ownership Applications
 - (a) MedCerts, LLC
 - iii. Renewal Applications
 - (a) Advance Healthcare Institute, LLC, Prairieville (5/26/2011)
 - (b) Ben D. Johnson Educational Center, Natchitoches (6/19/2019)
 - (c) Blue Cliff College, Alexandria (5/25/2006)
 - (d) CDL Mentors of Baton Rouge Truck Driving School (5/25/2006)
 - (e) Delta College of Arts & Technology (6/25/1992)
 - (f) Diesel Driving Academy, Baton Rouge (6/25/1987)
 - (g) Global Trucking Academy, Marksville (6/29/2016)
 - (h) Holmes Healthcare Training Center, Corp., New Orleans (6/19/2019)
 - (i) Integrated Education Services, LLC, Violet (5/23/2018)
 - (j) Lincoln College of Technology, Nashville, TN (5/22/2003)
 - (k) Louisiana Institute of Massage Therapy, Lake Charles (5/22/2013)
 - (I) McCann School of Business, Monroe (5/23/2018)
 - (m) Med-Advance Training, Prairieville (5/22/2017)
 - (n) Oak Park School of Dental Assisting, LLC, Lake Charles (5/28/2009)
 - (o) Operation Spark, New Orleans (6/29/2016)
 - (p) Ouachita Truck Driving Academy, LLC, Sterlington (5/22/2003)
 - (q) Petra College, Inc., Hammond (5/27/2015)
 - (r) Precision Welding Testing & Training, Geismar (5/23/2018)
 - (s) Remington College, Lafayette (5/26/2011)
 - (t) Remington College, Shreveport (5/26/2011)

On motion of Regent Pérez, seconded by Regent Weill, the Board, acting as a Committee of the Whole, voted unanimously to approve the items on the Consent Agenda.

RATIFICATION OF PROPRIETARY SCHOOLS AND ACT 129 SCHOOLS ADMINISTRATION RULEMAKING

Dr. Brumfield presented this item, highlighting the timeline of the process and the public comments submitted, of which there was only one.

On motion of Regent Pérez, seconded by Regent Sterling, the Board, acting as a Committee of the Whole, voted unanimously to approve the rule changes, as amended, and submission to the *Louisiana Register* for publication on September 20, 2021.

STUDENT SUCCESS COUNCIL QUARTERLY REPORT

Dr. Brumfield provided the quarterly report for the Student Success Council. He noted that there have been two meetings since the last report and three subcommittees have been formed: 1.

Access to Success; 2. Focus on Adults; and 3. Continuing Students/Completers. He said that the

common themes emerging from the subcommittees were college affordability and student advising and support. Dr. Brumfield thanked partners at LOSFA for providing information on the types of student aid available. He noted that the next report would be presented to the Board at its December 15, 2021 meeting.

FEDERAL UPDATE TO TITLE IX GRIEVANCE PROCEDURES

Dr. Reed said that the day after our special meeting on August 10th we received notice of a federal court decision that required us to amend a portion of the newly adopted Title IX Grievance Procedures. She noted that we were able to share this change during our trainings for Board members, as well as with campus teams last week, so they are anticipating today's vote. She said that a federal district judge in Massachusetts ruled in a case (*Victim Rights Law Center v. Cardona*) that Title IX's prohibition on all statements not subject to cross-examination was arbitrary and capricious and vacated that provision. As a result it no longer has the force of law anywhere unless the USDOE appeals the decision, which is unlikely in the current administration. Our Title IX and Power-Based Violence experts at Nelson Mullins are recommending removal of the vacated provision:

"If a party or witness does not submit to cross-examination at the live hearing, the decision maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions."

and recommending it be replaced with the following language:

"In reaching a determination regarding responsibility, the decision-maker(s) may rely, if appropriate, on a statement of a party or a witness even if that party or witness does not submit to cross-examination. However, the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal or answer cross-examination or other questions."

Ms. Nina Gupta, Partner at Nelson Mullins, said that the USDOE announced that they would not appeal the ruling and the recommendation stands that we revise the provision. Dr. Reed said that no revisions are needed in the Uniform Policy on Power-Based Violence/Sexual Misconduct.

Regent Ewing asked if we are confident that we have solid information that will allow us to meet our responsibilities in a prudent way and that we are protected from misinformation or lack of

information. Dr. Reed said that we are following the state law and retaining outside experts, and reminded the Board that it has a policy role, while the institutions and systems have the responsibility to enforce policy. Ms. Gupta said this is a very collaborative process. She remains very confident that both the policy and grievance process follow the outlines of state and federal law and that they are currently articulated. Of course, Nelson Mullins and staff will monitor any developments, whether in the regulatory process, the statutory process or case law, which might impact the Board's policy and grievance processes. Regent Ewing said that he is supportive of all of the efforts to address this serious problem; however, he wants to be comfortable that we will be diligent in discharging responsibilities, how we will get the information to do this, and how we can be confident in the accuracy of that information. Dr. Reed said that we were clear when the legislation was passed that we can certify that reports are submitted, but it is up to the institutions and systems to ensure accuracy. Ms. Gupta said there is an up-the-chain reporting process.

On motion of Regent Finley, seconded by Regent Weill, the Board, acting as a Committee of the Whole, voted unanimously to approve the revisions to Title IX Grievance Procedures consistent with federal decisions and requests authorization for staff to address any upcoming changes and report any resulting revisions to the Board.

OTHER BUSINESS

Chair David noted that the next Board meeting would be held on September 22, 2021.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:14 a.m.