

September 12 11, 2018

MEMORANDUM

TO: State Board of Regents
FROM: David L. Buhler
SUBJECT: General Consent Calendar

The Commissioner recommends approval of the following items on the Regents' General Consent Calendar:

A. Minutes

1. Minutes of the Board Meeting July 20, 2018, Southern Utah University, Cedar City, Utah (Attachment).

B. Grant Proposals

1. University of Utah – US Department of Education; “Project Fact +R2C2”; \$1,047,240. Sharlene Akemi Kihara, Principal Investigator.
2. University of Utah – DHHS National Institutes of Health; “3D printed Nanovesicle Sorting”; \$2,742,047. Roseanne Warren, Principal Investigator.
3. University of Utah – NIH National Inst Child Hlth & Human Dev; “Lightweight Prosthesis”; \$2,579,160. Tommaso Lenzi, Principal Investigator.
4. University of Utah – NIH Natl Inst Arthrit Muscoskel Skin Dis; “Bowles Sequence-Specific Cris”; \$1,906,250. Robert Daniel Bowles, Principal Investigator.
5. University of Utah – NIH Natl Inst Arthrit Muscoskel Skin Dis; “Bowles R01 Resub Crispr BP”; \$1,906,250. Robert Daniel Bowles, Principal Investigator.
6. University of Utah – DHHS National Institutes of health; “Extracellular Vesicles”; \$1,800,000. Mikhail Skliar, Principal Investigator.
7. University of Utah – US Department of Defense; “JWMPR_Microindentation_Pre”; \$1,367,869. Brittany Coats, Principal Investigator.
8. University of Utah – US Department of Energy; “NETL-1820”; \$1,229,590. Pania Newell, Principal Investigator.

9. University of Utah – National Science Foundation; “Vectorized Representation”; \$1,113,725. Jeffrey Phillips, Principal Investigator.
10. Utah State University – UT Department of Health; “Up to 3 Baby Watch Early Intervention Program”; \$1,266,521. Susan E Thain Olsen, Principal Investigator.
11. Utah State University – US National Science Foundation; “Measuring IMPACT: Integrated Mathematics Programming & Computational Thinking in Early Childhood”; \$1,120,808. Jody Clarke Midura, Principal Investigator.
12. University of Utah – NIH Natl Inst Deaf & Other Comm Disorder; “Treatments for Aphasia”; \$5,613,460. Julie L Wambaugh, Principal Investigator.
13. University of Utah – NIH Natl Inst Diabetes Digest Kidney Dis; “J Kim Niddk R01”; \$1,631,133. Jaewhan Kim, Principal Investigator.
14. University of Utah – Cleveland Clinic Foundation; “Cleveland Clinic Subaward”; \$1,302,373. Leland E Dibble, Principal Investigator.
15. University of Utah – US Department of Education; “IMCLAS Title VI NRC”; \$2,760,000. Claudio A Holzner, Principal Investigator.
16. University of Utah – Us Department of Education; “IMCAPS Title VI NRC”; \$1,080,000. Kim Korinek, Principal Investigator.
17. University of Utah – DHHS Health Resources & Services Admin; “Wilson HRSA NWD Nov 2016”; \$1,993,970. Rebecca D Wilson, Principal Investigator.
18. University of Utah – NIH National Institute on Drug Abuse; “Interactive Meth & DA”; \$3,287,014. Kristen A Keefe, Principal Investigator.
19. University of Utah – NIH National Institute Environl Hlth Sci; “TRP and Air Pollution”; \$3,023,550. Christopher A Reilly, Principal Investigator.
20. University of Utah – NIH Natl Int Neurolog Disorders Stroke; “Hypothalamic Hamartoma Model” \$1,143,750. Peter J West, Principal Investigator.
21. University of Utah – Army Medical Research Acquisition Activity; “Combo Chemoimmunotherapy”; \$1,143,750. Jiyuan Yang, Principal Investigator.

22. University of Utah – National Science Foundation; “Research Training in Mathbio”; \$2,499,192. Aaron L Fogelson, Principal Investigator.
23. University of Utah – National Science Foundation; “Algebra, Geometry, & Topology”; \$2,492,843. Karl E Schwede, Principal Investigator.
24. University of Utah – DHHS National Institutes of Health; “ZBTBS and Chromatin”; \$1,906,250. Bethany Anne Koehntop, Principal Investigator.
25. University of Utah – DHHS National Institutes of Health; “Photoelectrocyclizations”; \$1,525,000. Jon D Rainier, Principal Investigator.
26. University of Utah – US Department of Defense; “BCBT Replication Studey-Lejeune”; \$4,854,659. Craig Bryan, Principal Investigator.
27. University of Utah – Univ of North Carolina at Chapel Hill; “Predicting Binge and Burge”; \$1,154,095. Jonathan Butner, Principal Investigator.
28. University of Utah – National Science Foundation; “People with Visual Impairment”; \$1,124,594. Sarah Hope Creem-Regehr, Principal Investigator.
29. University of Utah – NIH National Cancer Institute; “ORACLE”; \$3,829,544. Mia Hashibe, Principal Investigator.
30. University of Utah – NIH National Heart Lung & Blood Inst; “Post-Op AFIB in Cardiac”; \$3,042,851. Derek James Dossdall, Principal Investigator.
31. University of Utah – NIH National Cancer Institute; “Carly_06.05.18_NIH_R01”; \$1,906,250. Katherine Elena, Principal Investigator.
32. University of Utah – NIH National Cancer Institute; “06.05.18_GERTZ_06.05.18”; \$1,906,250. Jason Gertz, Principal Investigator.
33. University of Utah – DHHS Institutes of Health; “Holmen_R01_July_2018_Resub”; \$1,906,250. Sheri L Holmen, Principal Investigator.
34. University of Utah – NIH National Cancer Institute; “06.05.18_KIRCHHOFF_NIH_R01”; \$1,525,000. Anne C Kirchhoff, Principal Investigator.
35. University of Utah – University of Pennsylvania; “Serous Ovarian Cancer”; \$1,515,817. Jennifer Anne Doherty, Principal Investigator.

36. University of Utah – University of Michigan; “06.05.18_UOFMICH_SUB”; \$1,309,350. Joshua David Schiffman, Principal Investigator.
37. University of Utah – American Association for Cancer Research; “07.02.18_MCMAHON_AACR”; \$1,000,000. Martin McMahon, Principal Investigator.
38. University of Utah – DHHS National Institutes of Health; “Grossman_R01)_07.05.18”; \$2,433,562. Douglas Grossman, Principal Investigator.
39. University of Utah – NIH National Int of General Medical Sci; “Hedgehog Pathway”; \$1,906,250. Benjamin R Myers, Principal Investigator.
40. University of Utah – DHHS National Institutes of Health; “Spike R01 06.05.2018”; \$1,906,250. Benjamin T Spike, Principal Investigator.
41. University of Utah – NIH Natl Inst Neurology Disorders Stroke; “ESTHI”; \$9,907,244. John R W Kestle, Principal Investigator.
42. University of Utah – Laura and John Arnold Foundation; “Family Planning Elevate”; \$7,959,669. David Turok, Principal Investigator.
43. University of Utah – NIH National Institute of Mental Health; “Depression and the Aging Brain”; \$3,811,250. Sara L Weisenbach, Principal Investigator.
44. University of Utah – DHHS National Institutes of Health; “Transcranial MRI”; \$3,354,047. Dennis L Parker, Principal Investigator.
45. University of Utah – NIH National Inst of General Medical Sci; “NRMN”; \$3,107,432. Kolawole S Okuyemi, Principal Investigator.
46. University of Utah – DHHS National Institutes of Health; “New R01 FOXN3”; \$3,065,760. Amnon Schlegel, Principal Investigator.
47. University of Utah – NIH Natl Inst Diabetes Digest Kidney Dis; “Agarwal R01 June2018”; \$2,638,709. Jayant Agarwal, Principal Investigator.
48. University of Utah – NIH national Heart Lung & Blood Inst; “Casper U24 June 2018”; \$2,913,338. Theron Charles Casper, Principal Investigator.

49. University of Utah – DHHS National Institutes of Health; “Evaluation of Myelin Damage”; \$2,806,300. Eun-Kee Jeong, Principal Investigator.
50. University of Utah – NIH Natl Inst Diabetes Digest Kidney Dis; “Partner CKD”; \$2,710,030. Srinivasan Beddhu, Principal Investigator.
51. University of Utah – DHHS National Institutes of Health; “Agarwal R01 June2018”; \$2,638,709. Jayant Agarwal, Principal Investigator.
52. University of Utah – DHHS National Institutes of Health; “Megan Williams R01 PA-18-484”; \$2,620,246. Megan E Williams, Principal Investigator.
53. University of Utah – DHHS National Institutes of Health; “The Effects of Dietary Seleniu”; \$2,162,190. Michael Therron Howard, Principal Investigator.
54. University of Utah – NIH National Inst Child Hlth & Human Dev; “Endometriosis R01”; \$2,157,097. Matthew Peterson, Principal Investigator.
55. University of Utah – CDC Natl Center for Inj Prev & Control; “Opioid Overdose”; \$2,027,593. Adam Joseph Gordon, Principal Investigator.
56. University of Utah – DHHS National Institutes of Health; “NIH S10 High-End Instrument”; \$1,999,999. Dennis L Parker, Principal Investigator.
57. University of Utah – DHHS National Institutes of Health; “Microtubule Stabilization”; \$1,964,172. Donna Cross, Principal Investigator.
58. University of Utah – DHHS National Institutes of Health; “P62/SQATM1”; \$1,916,414. Sihem Boudina, Principal Investigator.
59. University of Utah – DHHS National Institutes of Health; “Understanding Adrenoleukodyst”; \$1,906,250 Anthea Letsou, Principal Investigator.
60. University of Utah – NIH Natl Inst Diabetes digest Kidney Dis; “TIE-2 Gene Therapy in diabetes”; \$1,906,250. Yuffeng Huang, Principal Investigator.
61. University of Utah – DHHS National Institutes of Health; “Hypoglycemia-Mortality”; \$1,906,250. Simon J Fisher, Principal Investigator.
62. University of Utah – DHHS National Institutes of Health; “R01_Adam Douglas”; \$1,906,250. Adam Douglass, Principal Investigator.

63. University of Utah – DHHS National Institutes of Health; “R01_Jessica Brown”; \$1,906,250. Jessica C S Brown, Principal Investigator.
64. University of Utah –DHHS National Eye Institute; “2018 R01 VEGF-TIE2”; \$1,906,250. Balamurali Krishna Ambati, Principal Investigator.
65. University of Utah – NIH National Heart Lung & Blood Inst; “Neural Crest Cardiomyocytes”; \$1,906,250. H Joseph Yost, Principal Investigator.
66. University of Utah – NIH Natl Inst Neurology Disorders Stroke; “Cell Death and Epilepsy”; \$1,906,250. Jay Spampanato, Principal Investigator.
67. University of Utah – HRSA Bureau of Health Professions; “Rocky Mtn Health Workforce CE”; \$1,786,372. Kimberley I Shoaf, Principal Investigator.
68. University of Utah – DHHS National Institutes of Health; “Holland Alpha DK112826”; \$1,143,750. William Louis Holland, Principal Investigator.
69. University of Utah – DHHS National Institutes of Health; “Fellow: Nasser Sharareh”; \$1,111,824. Rachel Hess, Principal Investigator.
70. University of Utah – Merck Sharp & Dohme Corp; “Merck Research Agreement”; \$1,067,500. Stavros George Drakos, Principal Investigator.
71. University of Utah – George Washington University; “R01 PA-18-484 GWU SUB”; \$1,036,017. Bruce Earl Bray, Principal Investigator.
72. University of Utah – DHHS Substance Abuse & Mntl Hlth Svc Adm; “WM-PTTC”; \$2,958,516. Jason Burrow-Sanchez, Principal Investigator.
73. University of Utah – US Department of Education; “SPEP Grant”; \$1,233,089. Elaine Clark, Principal Investigator.
74. University of Utah – US Department of Education; “BABA”; \$1,230,930. Aaron Jason Fischer, Principal Investigator.
75. University of Utah – DOD Defense Advanced Research Projects Agency; “Nano Particle Based Neuro Tech”; \$4,497,414. Carlos Mastrangelo, Principal Investigator.

76. University of Utah – New York University; “OASIS”; \$3,358,224. Florian Solzbacher, Principal Investigator.
77. University of Utah – DHHS National Institutes of Health; “Hermetically Packaged Chiplets”; \$3,226,162. Ross M Walker, Principal Investigator.
78. University of Utah – National Science Foundation; “Preevents-Wind Damage”; \$1,681,264. Jeremy Alan Gibbs, Principal Investigator.
79. University of Utah – National Science Foundation; “Preevents Wind”; \$1,588,983. Jeremy Alan, Principal Investigator
80. University of Utah – National Science of Foundation; “Selects”; \$1,064,832. Eliane Stampfer Wiese, Principal Investigator.
81. University of Utah – US Department of Education; “Imclas Title VI Flas”; \$2,760,000. Claudio A Holzner, Principal Investigator.
82. University of Utah – DHHS National Institutes of health; “C-Fig”; \$9,010,153. Erin Witter Rothwell, Principal Investigator.
83. University of Utah – NIH Natl Inst Allergy & Infectious Dis; “PD-1 In Autoimmunity”; \$2,690,265. Mingnan Chen, Principal Investigator.
84. University of Utah – NIH national Inst Child Hlth & Human Dev; “Resub-Translational Control”; \$1,906,250. Randall Theodore Peterson, Principal Investigator.
85. University of Utah – NIH Natl Int Neurology Disorders Stroke; “Resubmit Microglia Epilepsy”; \$1,906,250. Karen S Wilcox, Principal Investigator.
86. University of Utah – DHHS National Institutes of Health; “High-Throughput Analysis”; \$1,052,250. Ming Ming Chen Hammond, Principal Investigator.
87. University of Utah – AAA Foundation for Traffic Safety; “AV and Driver Workload”; \$4,434,987. David lee Strayer, Principal Investigator.
88. University of Utah – DHHS National Institutes of Health; “Effects of Air Pollution”; \$2,111,079. Sara Elizabeth Grineski, Principal Investigator.
89. University of Utah – NIH National Cancer Institute; “07.05.18_O’Hare_NIH_Renewal”; \$2,717,885. Thomas J O’Hare, Principal Investigator.

90. University of Utah – Washington University of in St Louis; “PQ10 The Gut Microbiome”; \$2,041,637. Cornelia Ulrich, Principal Investigator.
91. University of Utah – DHHS National Institutes of Health; “Holmen/Vanbrocklin – 10/05/18”; \$1,906,250. Sheri L Holmen, Principal Investigator.
92. University of Utah – NIH National Cancer Institute; “Fuel Choice – Triple Neg”; \$1,906,250. Donald E Ayer, Principal Investigator.
93. University of Utah – DHHS National Institutes of Health; “Holmen_NIH_R01_BRAF_2018_Renew”; \$1,906,250. Sheri L Holmen, Principal Investigator.
94. University of Utah – Cedars Sinai Medical Center; “Post-Diagnosis Diet”; \$1,748,290. Cornelia Ulrich, Principal Investigator.
95. University of Utah – National Science Foundation; “NSF Career: Molecular Control”; \$1,531,240. Michelle C Mendoza, Principal Investigator.
96. University of Utah – NIH National Institute of Mental Health; “R01 MPI MH116998”; \$3,812,116. Samir Abdelrahman, Principal Investigator.
97. University of Utah – NIH National heart Lung & Blood Inst; “Atrial Tissue Remodeling”; \$3,628,833. Shireen Yousef Elhabian, Principal Investigator.
98. University of Utah – DHHS National Institutes of Health; “Targeting Oxidative Stress”; \$3,053,485. Joel D Trinity, Principal Investigator.
99. University of Utah – DHHS national Institutes of health; “Marth//Tristani Gen. Medicine”; \$3,046,183. Gabor T Marth, Principal Investigator.
100. University of Utah – NIH Natl Inst diabetes Digest Kidney Dis; “R01 Par-16-121 July 2018”; \$3,008,894. Hung-Chieh Chou, Principal Investigator.
101. University of Utah – NIH Natl Inst Arthrit Muscoskel Skin Dis; “R01 Antimicrobial pouch-Resub”; \$2,999,168. Dustin lee Williams, Principal Investigator.
102. University of Utah – DHHS National Institutes of Health; “Diane Ward R01 Renewal”; \$2,928,278. Diane M Ward, Principal Investigator.

103. University of Utah – DHHS National Institutes of Health; “ER01 Resubmission_Villanueva”; \$2,707,914. Claudio Javier Villanueva, Principal Investigator.
104. University of Utah – NIH Natl Inst Arthrit Muscoskel Skin Dis; “Morphometrics & Biomechanics”; \$2,321,261. Andrew Edward Anderson, Principal Investigator.
105. University of Utah – DHHS National Institutes of Health; “R01 PA-18-484 Rothenfluh”; \$1,906,250. Adrian Rothenfluh, Principal Investigator.
106. University of Utah – DHHS National Institutes of Health; “R01 Ren-Inflam Arthritis”; \$1,906,250. Shannon J Odelberg, Principal Investigator.
107. University of Utah – DHHS National Institutes of Health; “R01-Hypoglycemia Trial”; \$1,906,250. Simon J Fisher, Principal Investigator.
108. University of Utah – DHHS National Institutes of Health; “R01 Resubmission_Kikani”; \$1,906,250. Chintan Kirandhai Kikani, Principal Investigator.
109. University of Utah – DHHS National Institutes of Health; “R01 PA-18-144 Bryan Gibson”; \$1,906,250. Bryan Smith Gibson, Principal Investigator.
110. University of Utah – NIH National Eye Institute; “New R01 7.16.18”; \$1,906,250. Monica L Vetter, Principal Investigator.
111. University of Utah – NIH Inst of General Medical Sci; “R01 GM112080 Renewal”; \$1,906,250. Wesley I Sundquist, Principal Investigator.
112. University of Utah – DHHS National Institutes of Health; “Impact of T Cells”; \$1,905,917. Anthony Donata, Principal Investigator.
113. University of Utah – DHHS National Institutes of Health; “R01 NS106232 Resub”; \$1,830,738. Donna Cross, Principal Investigator.
114. University of Utah – NIH Natl Inst Diabetes Digest Kidney dis; “Colon and Microbiome RNA”; \$1,823,518. Don A Delker, Principal Investigator.
115. University of Utah – US Department of Defense; “Spinal cord Perfusion Strategy”; \$1,793,441. Candace Lorraine Floyde, Principal Investigator.
116. University of Utah – NIH Natl Inst Neurolog Disorders Stroke; “Calcium Dynamics of Microglia”; \$1,746,285. Mario R Capecchi, Principal Investigator.

117. University of Utah – American Diabetes Association; “ADA Visionary Award June Round”; \$1,625,000. June Louise Round, Principal Investigator.
118. University of Utah – Protalix LTD; “PB-102-F60”; \$1,493,075. Nicola Longo”; \$1,493,075. Nicola Longo, Principal Investigator.
119. University of Utah – NIH Natl Inst Diabetes Digest Kidney Dis; “Acidosis and TXP Survival”; \$1,021,500. Kalani Lukela Raphael, Principal Investigator.
120. University of Utah - NIH Natl Inst Neurology Disorders Stroke; “De Havenon K23 Ninds June 2017”; \$1,004,400. Adam Helme De Havenon, Principal Investigator.
121. Utah State University – USD Dept of Energy; “Developing High Performance and Low Cost Aqueous Organic Redox Flow Batteries”; \$1,056,751. Tianbiao Liu, Principal Investigator.
122. Utah State University – US Dept of Education; “Utah State University STARS! GEAR UP Partnership”; \$16,871,415. James T Dorward, Principal Investigator.
123. Utah State University – UT Sys. of High. Ed. – Space Dynamics Laboratory; “AWE- Atmospheric Waves Experiment”; \$4,261,639. Michael John Taylor, Principal Investigator. Pierre Dominique Pautet, Tao Yuan, Yucheng Zhao, Co-Investigators.
124. Utah State University – UT Sys. of High. Ed. – Space Dynamics Laboratory; “AWE- Atmospheric Waves Experiment”; \$3,670,422. Michael John Taylor, Principal Investigator. Pierre Dominique Pautet, Tao Yuan, Yucheng Zhao, Co-Investigators.
125. Utah State University – US National Science Foundation; “Understanding the effects of above-and below ground linkages on carbon cycling in a high latitude, coastal wetland”; \$1,264,495. Trisha Brooke Atwood, Principal Investigator.
126. Utah State University – US Dept of Comm. – Economic Development Admin.; “Building capacity for economic development in local economies through rural innovation in business expansion, entrepreneurship and regional workforce development”; \$1,000,000. Ruby Ward, Principal Investigator. Don Earl Albrecht, Karin E Allen, Kynda Curtis, Jody A Gale, Paul Allen Hill, Paul Mark Jakus, Mankeun Kim, Co-Investigators.
127. Utah State University – US National Science Foundation; “CAREER” An integrated approach to understanding selection and evolution in heterogeneous environments”; \$1,092,788. Zachariah Compert, Principal Investigator.

128. Utah State University – US National Science Foundation; “ CAREER” Understanding the role of developmental plasticity in behavioral innovation through a comparative analysis of social evolution in bees”; \$1,298,255. Karen Marie Kapheim, Principal Investigator.
129. Utah State University – Administration for Community Living; “Utah Person Centered Support Plan Monitoring and Capacity Building Project”; \$2,139,914. Matthew Thomas Wappett, Principal Investigator.

C. Awards

1. University of Utah – Army Medical Research Acquisition Activity; “BCBT Replication Study- Lejeune”; \$2,636,694. Craig Bryan, Principal Investigator.
2. University of Utah – UT Governor’s Office of Economic Dev; “Stem AC Evaluation”; \$1,499,395. Andrea K Rorrer, Principal Investigator.
3. University of Utah – US Agency for International Development; “SAID-PCASW”; \$2,000,565. Steven John Burian, Principal Investigator.
4. University of Utah – National Science Foundation; “Deeplog”; \$1,099,999. Feifei Li, Principal Investigator.
5. University of Utah – NIH Natl Inst Dental Craniofacial Rsrch; “Connect, Compare, and Change”; \$1,077,499. Kathy Chapman, Principal Investigator.
6. University of Utah – June Therapeutics Inc; “Juno 17004”; \$1,191,809. Deborah Marie Stephens, Principal Investigator.
7. University of Utah – NIH Natl Ctr for Advncng Translt Scnces; “Dean U24 NCATS Sept 2015”; \$3,539,199. J Michael Dean, Principal Investigator.
8. Utah State University – US Department of Education; “STARS! (science, technology, arithmetic, reading students) GEAR UP”; \$2,040,000. Nicole Faye Pyle, Principal Investigator.
9. Utah State University – US Department of Education; “Utah State University STARS! GEAR UP Partnership”; \$2,366,400 James T Dorward, Principal Investigator.
10. Utah State University – UT Department of Workforce Services; “CCPDI”; \$2,017,290. Ann Marie Berghout Austin, Principal Investigator.

11. Utah State University – US Dept of Hlt and Hum Svcs – Office of Family Assistance; “Steps to Health Fatherhood”; \$1,574,870. Brian J Higginbotham, Principal Investigator.
12. Utah State University – US Department of Education; “GEAR UP 3: Utah State University STARS! GEAR UP Partnership”; \$2,084,651. James T Dorward, Principal Investigator.
13. Utah State University – SERDP; “A Date-Driven Decision Support System to Identify Optimal land use Alternatives for Protecting Species of Concern on D)D and Surrounding Lands”; \$1,571,962. Charles P Hawkins, Principal Investigator.

D. Academic and Student Affairs Items

Information Items:

New Programs:

- University of Utah – Master of Science and Technology in Earth Resource Management
- University of Utah – PhD in Human Development and Social Policy
- Utah State University – Bachelor of Arts in Portuguese
- Utah State University – Bachelor of Science in Dietetics
- Utah State University – Bachelor of Science in Food Science
- Utah State University – Bachelor of Science in Nutrition Science
- Utah State University – Master of Science in Data Science
- Southern Utah University – Bachelor of Arts in Geosciences
- Southern Utah University – Master of Science in Business Analytics

Notification Items:

New Programs:

- University of Utah – Emphasis in Advanced Financial Analysis within the BA/BS in Finance
- University of Utah – Minor in Advanced Financial Analysis
- University of Utah – Minor in Occupational Safety and Health
- Utah Valley University – Emphasis in Educational Leadership within the Master of Education
- Utah Valley University – Emphasis in National Security Studies within the BS in Integrated Studies
- Salt Lake Community College – Certificate of Completion in Pharmacy Technician Training

Name Change:

- University of Utah – BS in Operations Management to BS in Operations and Supply Chain
- Utah Valley University – BS in Aviation Science to BS in Professional Pilot
- Utah Valley University – Emphasis in Emergency Management to Emphasis in Emergency Leadership within the BS in Emergency Services Administration

Program Discontinuation

- Utah Valley University - Emphasis in Aviation Administration within the BS in Aviation Science
- Utah Valley University - Emphasis in Professional Pilot within the BS in Aviation Science

New Administrative Unit

- Utah Valley University – Department of Engineering

E. Revision of Policy R686, *Student Prosperity Savings Program* (Attachment)

This policy was a legislatively mandated savings partnership with My529 and community partners. Having administered the program for over a year, My529 staff have requested minor changes that do not substantively impact the program, but will assist in administering it efficiently and to impact the intended population. Specifically, the age and grade restrictions are lowered so more children may benefit.

F. Revision of Policies R924, R951, and R964 (Attachment)

Policies R924, R951 and R964 are recent revisions to the internal personnel policies within the Office of the Commissioner of Higher Education (OCHE). The changes clarify the grievance process for adverse employment actions and provide administrative steps to handle a grievance. The revisions provide additional guidance on determining appropriate levels of discipline and performance planning.

Internal personnel policies are generally presented to the Board as consent calendar items.

David L. Buhler
Commissioner of Higher Education

DLB/LO
Attachments

STATE BOARD OF REGENTS
SOUTHERN UTAH UNIVERSITY, CEDAR CITY, UTAH
R HAZE HUNTER CONFERENCE CENTER
JULY 20, 2018

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STATE BOARD OF REGENTS
SOUTHERN UTAH UNIVERSITY, CEDAR CITY, UTAH
R HAZE HUNTER CONFERENCE CENTER
JULY 20, 2018

COMMITTEE OF THE WHOLE
MINUTES

Regents Present

Harris H. Simmons, Chair
Nina R. Barnes, Vice Chair
Jessellie B. Anderson
Wilford Clyde
Marlin K. Jensen
Ron Jibson
Jakell Larson
Robert S. Marquardt
Cristina Ortega
Robert W. Prince
Teresa L. Theurer

Regents Absent

Steven Lund
Patricia Jones
Steven Lund
Mark Stoddard
Thomas E. Wright

Office of the Commissioner

David L. Buhler, Commissioner of Higher Education
Kimberly L. Henrie, Associate Commissioner for Planning, Finance and Facilities
Elizabeth Hitch, Associate Commissioner of Academic Affairs

Institutional Presidents Present

Ruth V. Watkins, University of Utah
Noelle Cockett, Utah State University
Scott L Wyatt, Southern Utah University
Gary Carlston, Snow College
Jeff Olson, Utah Valley University
Richard B. Williams, Dixie State University
Deneece G. Huftalin, Salt Lake Community College
Norm Tarbox, Weber State University

Other Commissioner's Office and institutional personnel were also present. The signed role is on file in the Commissioner's Office.

Discussion – Review of Thursday's Meeting, Completion of Annual Forms

A discussion on success of Regent/Trustee Retreat. Regents signed annual Conflict of Interest forms.

Chair Harris Simmons called the Committee of Whole meeting to order at 10:49 a.m.

President's Report

President Wyatt began stating Regents have asked him to report on the Regents' Strategic Objectives of Timely Completion and Mental Health. Beginning with Timely Completion, the goal is to increase the percentage of students completing. SUU has not only met but exceeded the goal of 28 awards per 100 FTE, ahead of time and under budget. SUU has grown by about 24% over the last 10 years, but the awarding of degrees has grown by 61%. He said he is often asked how the selective admissions process impacts retention. From 1993 – 2006, the admission standard at SUU was 80. During which the highest annual retention rate was 70%. In 2007, the admission standard was increased to 85, and retention actually dropped. The highest retention rate during this period of time was 69%. In 2011 the standard was increased to 90, and the highest retention rate was 66%. In 2014, the university got serious about increasing retention rates and since then has seen more than a 10% increase in retention. SUU was highlighted last month in the Higher Education Chronical for the things they are doing to increase retention. It takes an all-encompassing campus working together in a coordinating effort to be engaged.

President Wyatt said he would like to highlight four strategies for Timely Completion, presented in two separate initiatives: 1) A collaboration with Southwest Tech and SUU. They have created a dual-enrollment program, which means every student at Southwest Tech will receive credit at SUU, and students from SUU will receive credit at Southwest Tech, ultimately providing flexibility and cost savings to students. 2) SUU's new three-year bachelor degree concept. The concept being if we can take students from four years to three; instead of the fourth year the students will take two summers, they will get the same amount of work in three years, saving the student money and time. SUU benefits because instead of hiring three faculty members with three offices, they can hire two faculty members with two offices.

The next issue is Mental Health. President Wyatt said this is a big challenge, but one that SUU welcomes. The industry standard is to have one senior full-time counselor for every 1000-1500 students. SUU now has a ratio of 1-1195; adding the three doctoral interns they have, who work full-time, the ratio becomes 1-896. Even with this ratio, during peak times, there is still a wait time of 5-6 weeks. SUU will continue to work on this.

Oath of Office

Having been appointed to the Board of Regents, Jakell Larson took the Oath of Office, administered by Chair Simmons.

Resolution

Regent Barnes shared comments regarding the resolution for Regent Valdez. She said Regent Valdez was a great contributor to the Board of Regents and has been very involved with issues concerning women and diversity. **Regent Barnes made a motion to approve the resolution; the motion was seconded by Regent Theurer and the motion carried.**

Consent Calendar (TAB A)

On a motion by Regent Prince and seconded by Regent Clyde the following items were approved on the Regents' General Consent Calendar:

- A. Minutes – Minutes of the Board meeting May 18, 2018 Salt Lake Community College, Salt Lake City, Utah.

- B. Grant Proposals
- C. Awards
- D. Academic items Received and Approved
- E. Revision to wording of Policy R704, *Disposal of Real Property*

Adoption of Policy R250, *Legislative Communications* (TAB B)

Commissioner Buhler noted there has been a lot of discussion about how higher education institutions might appropriately engage with state legislators. The current executive order prevents any expenditures towards legislators. For example: if a legislator was invited to an event at an institution and a sweet roll was provided, the legislator was expected to pay for that. We did not feel this was the most workable way to approach this. Board leadership, presidents, and Commissioner's staff met with the Governor's staff to develop a new policy. This proposed policy includes: who may by policy represent an institution at the legislature; ties into policy the current state law that involves lobbyist's disclosures and regulations, with some exceptions. These exceptions include: food and beverage may be provided at events as long as it does not exceed state per diem; allows items of nominal value may be provided; provides an exemption if there is an event where all legislators are invited; institutions may host legislators at events with the following limitations – legislators are limited to be invited to two institution sponsored men's football or basketball events per calendar year; institutions provide an annual report of any expenditures on legislators. **Regent Theurer made a motion to approve as outlined in TAB B; the motion was seconded by Regent Campbell and the motion carried.**

Revision of Policy R714, *Capital Facilities Community Impact* (TAB C)

Associate Commissioner Jenkins said the Commissioner's office was asked what USHE institutions are doing to inform students of their immunization opportunities. We found that several institutions notify students of this when they live on campus. This policy standardizes the requirements for all USHE institutions to notify students living on campus of their immunization opportunities. **Regent Clyde made a motion to approve as outlined in TAB C; the motion was seconded by Regent Barned and the motion carried.**

USHE – Board of Regents Strategic Plan Update – 2018 Progress Report (TAB D)

Associate Commissioner Henrie stated in order to advance the Regents' strategic metrics, we recognize the key component is to measure progress. The Board adopted its strategic plan in 2015 with two metrics; we are asking the Board to consider expanding these metrics to a list of eight. In addition to identifying and defining the metric, we have also identified benchmarks. These benchmarks are new and the goals should be considered a starting point for the Board. Regents can adjust these in the future, but we need a place to start. We expect this process to be reviewed annually to look at metrics, discuss whether they are effective and whether the goals should be adjusted. There are two metrics being advanced under Affordable Access: The current metric College Participation Rate of High School Graduates – which measures the percentage of Utah high school graduates who enroll within five years of high school graduation. Affordability is difficult to assess. A metric which helps display what that means for students may be a starting point to measure affordability. The metric selected is the percentage of full-time resident students who do not require loans, grants, or scholarship to pay for college; this represents 19% of our student population. The goal is to maintain this percentage as we grow. The next metric is Timely Completion. This metric will be adjusted to Time to Graduation by measuring the number of semesters needed to

complete a college degree. Under Workforce, we have determined a metric is the Return on a Students' Investment by measuring the wage premium a student experiences for every \$1 they pay in tuition based on whether the student earns an associate or a bachelor's degree. The final four metrics include: Total Cost per Award, Functional Cost per Full-time Student, Space Utilization, and Return on the State Tax Fund Investment. These metrics will begin to provide a baseline related to cost per award, cost per FTE, and space utilization, while measuring the impact higher education has on the economy through the return on investment realized by additional income tax paid by USHE graduates over a 30 year time frame.

President Cockett noted presidents have not seen this and would like time to review. She would like to see a break out for each benchmark per institution. Regent Clyde said he likes seeing the metrics, whether these are the right metrics or not, we should allow the presidents time to review. He also said it would be hard to adopt today just receiving the information and may be better to adopt in the September Board meeting. Chair Simmons said we need to figure it out, even if we don't have the data by institution. Ultimately if we have a system wide goal, we need to break down the components for each institution and have a discussion on what that means for each institution. It would be helpful to take another step and say what does this look like by institution, have a discussion with the Council of Presidents on whether these are the right metrics. President Huftalin agreed metrics are important, but would be nice to have some time, specifically for SLCC, she is concerned about the affordability metric. Commissioner Buhler stated these are intended to be system metrics. If the sense of the Board is to take more time we can do that. President Watkins stated on the Capacity and Growth section, there are some innovative ideas she would praise, particularly the ROI. She applauds the work done on this and in some ways this is a path breaking effort. Regent Campbell noted this is a situation where we won't all end up where we want to be, but this is an important process. He agreed we are looking for system goals, but the institutions need to know how they contribute to the system goal and how they roll up in that number. He applauds the effort and said we are moving in the right direction. Chair Simmons said he would like the institutions to take this back to their Board of Trustees. President Wyatt said he thinks we can have a system metric that may only apply to a subset of schools. He encourages the effort, but feels we should divide it out because institutions are not all the same. Regent Clyde noted if something doesn't work, the institutions should work to come up with a solution. Regent Larson said she would like to see metrics for each institution and then have a conversation on whether these are the right metrics. Regent Barnes asked the Regents if the work they did in their working groups is reflected in the document. Regent Prince stated this is an example where the discussion and conversation is as important as the resolution. Chair Simmons asked to table this item and revisit in the September Board meeting.

Open Meetings Training

Commissioner Buhler reminded Regents of the requirement to hold Open Meetings Training annually. The training was provided by showing a 12 minute video prepared by the state auditors.

FINANCE AND FACILTITES

Southern Utah University – Campus Master Plan Approval (TAB E)

Marvin Dodge, VP of Finance and Administration, SUU highlighted a couple of changes over the last few years. **Regent Anderson moved to approve as outlined in TAB E; the motion was seconded by Regent Barnes and the motion carried.**

Southern Utah University – Property Acquisition (TAB F)

Marvin Dodge, VP of Finance and Administration, SUU noted this property is across the street from the Southern Museum of Arts. The house is currently under contract; they were asking \$650,000 and SUU is paying \$575,000. This is a strategic purchase as SUU tries to purchase the entire block. **Regent Anderson made a motion to approve as outlined in TAB F; the motion was seconded by Regent Campbell and the motion carried.**

Utah State University – Horse Barn Non-state Funded Project (TAB G)

Dave Cowley, VP for Business and Finance, USU noted this property is necessary to accommodate the growing Equine Science and Management Program. This is a 1.8 million project; institutional funds will be used, with no state funds requested. **Regent Anderson made a motion to approve as outlined in TAB G; the motion was seconded by Regent Clyde and the motion carried.**

Snow College – Campus Master Plan Amendment (TAB H)

Jake Dettinger, Business VP, Snow noted this is for a proposed amendment to the Richfield campus. This is an updated location for student housing; there is no infrastructure at the current location. **Regent Anderson made a motion to approve as outlined in TAB H; the motion was seconded by Regent Larson and the motion carried.**

Snow College – Non-Traditional Arrangement for Student Housing in Richfield (TAB I)

Jake Dettinger, Business VP, noted the Snow College, Richfield campus is currently land-locked, and they have plateaued in enrollment. They are asking to move forward with an RFP to find a developer to partner with to develop and build student housing. **Regent Anderson moved to approve as outlined in TAB I; the motion was seconded by Regent Prince and the motion carried.**

USHE – FY20 Budgeted Development Process (BDP) Guidelines (TAB J)

Commissioner Buhler noted this outlines the BDP process and shows it will be constructed around the Regents' strategic objectives, and we will be receiving input from the institutions. Associate Commissioner Henrie noted it's pretty standard and straight forward, and highlighted the process. Regent Marquardt asked if any changes were made to the way the presentations would be made after questions were brought up by a few legislators and GOB about the format of the budget presentation. Henrie said they met with Kris Cox over the summer and noted most of her concerns were with the way the metrics were presented. They want to understand how they can evaluate higher education as compared to other state agencies. They have been working to find common ground and have a follow up meeting in a couple of weeks. **Regent Anderson made a motion to approve as outlined in TAB J; the motion was seconded by Regent Jibson and the motion carried.**

USHE – Review of Finance & Facilities Committee FY18 (TAB K)

Regent Anderson noted over the year, the committee took action on 34 different items including approval of budget and capital development guidelines, student fees, 6 policy related items, 2 campus mater plans, 5 non-state funded projects, and 6 property transactions. In addition, the committee received 30 information items highlighting the enrollment levels, debt managements, auxiliary operations, institutional residences, leases, the annual legislative session, intuition benefits and many other reports. **This is an information item only; no action was taken.**

USHE – Revenue Bond Results (TAB L)

Regent Anderson noted three institutions recently issued revenue bonds to construct facilities approved by the 2018 Utah State Legislature. SLCC closed on \$11,735,000 of bonds on June 20, 2018 with an all-inclusive interest cost of 2.83%. USU Closed on \$32,210,000 of bonds on June 21, 2018 with an all-inclusive interest cost of 3.54%. The U closed on \$80,040,000 of bonds on July 17, 2018 with an all-inclusive interest cost of 3.62%. **This is an information item only; no action was taken.**

USHE – 2018-19 Budget Initiatives Use of Funds Received (TAB M)

Regent Anderson noted each institution has submitted detailed Student Growth & Capacity, Completion, and Workforce initiatives for fiscal year 2018-19. This information will be included in legislative budget item follow-up reports and other requests. **This is an information item only; no action was taken.**

USHE – 2018-19 Performance Based Funding Initiatives (TAB N)

Regent Anderson noted each institution has submitted detailed Performance Based funding initiatives for the \$3,850,000 on-going appropriation in fiscal year 2018-19, with descriptions, rationale, justification, outcomes, assessment, and budgetary plan. This information will be included in legislative budget item follow-up reports and other requests. **This is an information item only; no action was taken.**

Regent Marquardt motioned to move into executive session on this date for the purpose of discussing the character, professional competence, or physical or mental health of individuals, and discussion regarding deployment of security personnel, devices, or system. The motion was seconded by Regent Prince and the motion carried.

The meeting adjourned at 1:56 p.m.

Loreen Olney, Executive Secretary

Date Approved: September 21, 2018

R686-1. Purpose: To establish the process for awarding funding from the Student Prosperity Savings Program under Utah Code Section 53B-8a-202.

R686-2. References

- 2.1. Utah Code Section 53B-8a-202

R686-3. Definitions

- 3.1. "Applicant" means Community Partner as defined below who has requested Program funding.
- 3.2. "Basis" means the sum of contributions made to an account.
- 3.3. "Board" means the Utah State Board of Regents.
- 3.4. "Children's Savings Account" or "CSA" means an account that is opened as part of a Program to encourage and assist educational savings among low- and middle-income families.
- 3.5. "Child" means an individual younger than 20 years old.
- 3.6. "Community Partner" means a nonprofit organization that provides services to an Economically disadvantaged Child or to a family member, legal guardian, or legal custodian of an Economically disadvantaged Child.
- 3.7. "Donation" means a gift, grant, donation, or any other conveyance of money by a person other than the Legislature that is not made directly for the benefit or on behalf of a particular individual.
- 3.8. "Earnings/loss" means the market gains, losses, dividends and interest received.
- 3.9. "Economically disadvantaged" means that a child is:
 - 3.9.1. experiencing Intergenerational poverty (see definition below);
 - 3.9.2. a member or foster Child of a family with an annual income at or below 185 percent of the Federal poverty level; or
 - 3.9.3. living with a legal custodian or legal guardian with an annual family income at or below 185 percent of the Federal poverty level.
- 3.10. "Eligible individual" is an individual who meets all of the following conditions:
 - 3.10.1. is younger than 20 years old at the time of the application and is a Utah resident;

¹ Adopted July 21, 2017.

- 3.10.3. is economically disadvantaged; and
- 3.10.1. receives—or has a family member, a foster family member, or a legal custodian or legal guardian who receives—services from a Community Partner.
- 3.11. "Federal poverty level" is defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services in the Federal Register.
- 3.12. "Higher education costs" is defined in Section 53B-8a-102.5 of Utah State Code, except that the expenses must be incurred at:
 - 3.12.1. a credit-granting institution of higher education within the Utah System of Higher Education;
 - 3.12.2. a private, nonprofit college or university in the state that is accredited by the Northwestern Association of Schools and Colleges; or
 - 3.12.3. a college within the Utah College of Applied Technology.
- 3.13. "Intergenerational poverty" is defined in Section 35A-9-102 of Utah State Code.
- 3.14. "Master Account" means the Program account where the sponsor can deposit money dedicated for their CSA program without the requirement of designating a beneficiary.
- 3.15. "Program" means the Student Savings Prosperity Program as created by 53B-8a-202 of the Utah State Code.
- 3.16. "Scholarship Account" means an account opened by the Program sponsor (entity) for a participating Child. Each Scholarship Account has a specified beneficiary.
- 3.17. "UESP" means the Utah Educational Savings Plan.

R686-4. Appropriations and Donations: The program is funded by appropriations from the Legislature and donations made in accordance with Section 53B-8a-203.

- 4.1. **Legislative Appropriations:** The Legislature may appropriate funds to the Utah Board of Regents for the Program. The Board will transfer the appropriated funds to UESP.
- 4.2. **Donations:** Individuals or organizations may donate funds directly to the Program. Donations must be sent via check and include in correspondence that the funds are to be used for the Program. UESP will mail a receipt to the donor within five business days. The receipt should include the donor's name, the amount donated, and the date the plan received the donation. UESP will hold all received funds in the UESP Administrative Fund until they are transferred to the Master Accounts of Community Partners who have been awarded the funds.

R686-5. Application Procedures

- 5.1. Community partners may apply for Program funding by completing UESP's application, which will be available on the UESP website. The application will request information about the community partner's strategic plan to establish children's savings accounts with the targeted students, to identify and verify

eligible individuals, and to provide additional matching funds (if any). Community partners must mail completed applications to UESP.

5.2. To be eligible for the funds, a community partner must be a nonprofit organization that provides services to a child who is economically disadvantaged; or a family member, legal guardian, or legal custodian of a child who is economically disadvantaged.

5.3. Community partners may apply for funding once per year. Funding awarded can be used over multiple years provided the child remains eligible.

R686-6. Scoring Applications.

6.1. At least two UESP employees will review and score applications on a quarterly basis. UESP may also include outside community members to review applications.

6.2. The application will include the methodology by which reviewers will score. UESP may reject applications if any portion of the application does not satisfactorily meet the minimum requirements of the Program.

6.3. After scoring applications, the reviewers will recommend distribution of funding to the UESP Executive Director for final approval of award amounts. UESP will send award letters and rejection letters to all applicants.

6.4. If the amount of funding available is less than \$1,000, applications will be held for up to one year, and reviewed again each quarter.

R686-7. Award Amounts and Funding Distribution.

7.1. On an annual basis, the UESP Executive Director will determine the maximum award amount that a community partner may receive from the UESP Student Prosperity funding for an eligible individual.

7.2. To receive awarded funds, community partners shall sign an agreement with UESP, which will establish the terms and conditions of receiving Program funding for community partner and UESP.

7.3. Community partners shall establish through UESP a master account for the organization and scholarship accounts for the eligible individuals identified by the community partners. The funds awarded through the Program will be transferred only after the community partner has established scholarship accounts.

7.4. Community partners are encouraged to add additional funding to the scholarship accounts set up through the Program.

7.4.1. If Community Partners wish to reallocate non-Program moneys from scholarship accounts that have received Program funds, the proportion of the account's current basis to earnings—excluding administrative fees and any other administrative adjustments—will be applied to original awarded amount to determine the amount of funds that must remain in the account or be returned to UESP for reallocation.

R686-8. Community Partner Responsibilities.

8.1. Community partners are required to track the progress of each child who is awarded funding, to determine whether the child has met the Program's requirements as established the child's plan.

8.2. Community partners will report to UESP the name, grade or high school graduation date, and student's enrollment status. The Community Partner will alert UESP of any students who received Program funds but have not met the requirements of the Program.

R686-9. Rescinded Funds.

9.1. Students who have received Program funds but have not enrolled at a qualifying institution of higher education within three years of high school graduation will forfeit the Program funds. Those funds will be returned to UESP, who may reallocate to the same community partner or to other community partners.

9.2. The proportion of the account's current basis to earnings—excluding administrative fees and any other administrative adjustments—will be applied to original awarded amount to determine the amount of funds that must be returned to UESP. The community partner may request transfer non-Program money to other accounts owned by the Community Partner.

R686-10. Community Partner Dissolution.

10.1. If a community partner dissolves, it shall inform UESP with as much advance notice as possible. The Community Partner should make reasonable attempts to find another nonprofit entity that meets the requirements for the Program to take over the program responsibilities. If another community partner cannot be located, UESP will take over as account owner of the scholarship accounts.

10.2. In the event that the community partner dissolves, UESP will send correspondence to the scholars with instructions on how to maintain the account and withdraw their funds. Any non-Program funds that are still in the scholarship accounts may be withdrawn by the scholar. Program funds in the scholarship accounts still require the student to enroll in a qualifying higher education institution within three years of graduation.

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- 3.6. "Community Partner" means a nonprofit organization that provides services to an Economically disadvantaged Child or to a family member, legal guardian, or legal custodian of an Economically disadvantaged Child.
- 3.7. "Donation" means a gift, grant, donation, or any other conveyance of money by a person other than the Legislature that is not made directly for the benefit or on behalf of a particular individual.
- 3.8. "Earnings/loss" means the market gains, losses, dividends and interest received.
- 3.9. "Economically disadvantaged" means that a child is:
 - 3.9.1. experiencing Intergenerational poverty (see definition below);
 - 3.9.2. a member or foster Child of a family with an annual income at or below 185 percent of the Federal poverty level; or
 - 3.9.3. living with a legal custodian or legal guardian with an annual family income at or below 185 percent of the Federal poverty level.
- 3.10. "Eligible individual" is an individual who meets all of the following conditions:
 - 3.10.1. is ~~at least 15 years old and~~ younger than 20 years old at the time of the application and is a Utah resident;

¹ Adopted July 21, 2017.

~~3.10.2. is a student in grade 10, grade 11, or grade 12 in Utah at the time of the application;~~

3.10.3. is economically disadvantaged; and

3.10.1. receives—or has a family member, a foster family member, or a legal custodian or legal guardian who receives—services from a Community Partner.

3.11. "Federal poverty level" is defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services in the Federal Register.

3.12. "Higher education costs" is defined in Section 53B-8a-102.5 of Utah State Code, except that the expenses must be incurred at:

3.12.1. a credit-granting institution of higher education within the Utah System of Higher Education;

3.12.2. a private, nonprofit college or university in the state that is accredited by the Northwestern Association of Schools and Colleges; or

3.12.3. a college within the Utah College of Applied Technology.

3.13. "Intergenerational poverty" is defined in Section 35A-9-102 of Utah State Code.

3.14. "Master Account" means the Program account where the sponsor can deposit money dedicated for their CSA program without the requirement of designating a beneficiary.

3.15. "Program" means the Student Savings Prosperity Program as created by 53B-8a-202 of the Utah State Code.

3.16. "Scholarship Account" means an account opened by the Program sponsor (entity) for a participating Child. Each Scholarship Account has a specified beneficiary.

3.17. "UESP" means the Utah Educational Savings Plan.

R686-4. Appropriations and Donations: The program is funded by appropriations from the Legislature and donations made in accordance with Section 53B-8a-203.

4.1. **Legislative Appropriations:** The Legislature may appropriate funds to the Utah Board of Regents for the Program. The Board will transfer the appropriated funds to UESP.

4.2. **Donations:** Individuals or organizations may donate funds directly to the Program. Donations must be sent via check and include in correspondence that the funds are to be used for the Program. UESP will mail a receipt to the donor within five business days. The receipt should include the donor's name, the amount donated, and the date the plan received the donation. UESP will hold all received funds in the UESP Administrative Fund until they are transferred to the Master Accounts of Community Partners who have been awarded the funds.

R686-5. Application Procedures

5.1. Community partners may apply for Program funding by completing UESP's application, which will be available on the UESP website. The application will request information about the community partner's strategic plan to establish children's savings accounts with the targeted students, to identify and verify eligible individuals, and to provide additional matching funds (if any). Community partners must mail completed applications to UESP.

5.2. To be eligible for the funds, a community partner must be a nonprofit organization that provides services to a child who is economically disadvantaged; or a family member, legal guardian, or legal custodian of a child who is economically disadvantaged.

5.3. Community partners may apply for funding once per year. Funding awarded can be used over multiple years provided the child remains eligible.

R686-6. Scoring Applications.

6.1. At least two UESP employees will review and score applications on a quarterly basis. UESP may also include outside community members to review applications.

6.2. The application will include the methodology by which reviewers will score. UESP may reject applications if any portion of the application does not satisfactorily meet the minimum requirements of the Program.

6.3. After scoring applications, the reviewers will recommend distribution of funding to the UESP Executive Director for final approval of award amounts. UESP will send award letters and rejection letters to all applicants.

6.4. If the amount of funding available is less than \$1,000, applications will be held for up to one year, and reviewed again each quarter.

R686-7. Award Amounts and Funding Distribution.

7.1. ~~Community partners may receive up to \$100 per year for each eligible individual. On an annual basis, the UESP Executive Director will determine the maximum award amount that a community partner may receive from the UESP Student Prosperity funding for an eligible individual.~~

7.2. To receive awarded funds, community partners shall sign an agreement with UESP, which will establish the terms and conditions of receiving Program funding for community partner and UESP.

7.3. Community partners shall establish through UESP a master account for the organization and scholarship accounts for the eligible individuals identified by the community partners. The funds awarded through the Program will be transferred only after the community partner has established scholarship accounts.

7.4. Community partners are encouraged to add additional funding to the scholarship accounts set up through the Program.

7.4.1. If Community Partners wish to reallocate non-Program moneys from scholarship accounts that have received Program funds, the proportion of the account's current basis to earnings—excluding administrative fees and any other administrative adjustments—will be applied to original awarded amount to determine the amount of funds that must remain in the account or be returned to UESP for reallocation.

R686-8. Community Partner Responsibilities.

8.1. Community partners are required to track the progress of each child who is awarded funding, to determine whether the child has met the Program's requirements as established the child's plan.

8.2. Community partners will report to UESP the name, grade or high school graduation date, and student's enrollment status. The Community Partner will alert UESP of any students who received Program funds but have not met the requirements of the Program.

R686-9. Rescinded Funds.

9.1. Students who have received Program funds but have not enrolled at a qualifying institution of higher education within three years of high school graduation will forfeit the Program funds. Those funds will be returned to UESP, who may reallocate to the same community partner or to other community partners.

9.2. The proportion of the account's current basis to earnings—excluding administrative fees and any other administrative adjustments—will be applied to original awarded amount to determine the amount of funds that must be returned to UESP. The community partner may request transfer non-Program money to other accounts owned by the Community Partner.

R686-10. Community Partner Dissolution.

10.1. If a community partner dissolves, it shall inform UESP with as much advance notice as possible. The Community Partner should make reasonable attempts to find another nonprofit entity that meets the requirements for the Program to take over the program responsibilities. If another community partner cannot be located, UESP will take over as account owner of the scholarship accounts.

10.2. In the event that the community partner dissolves, UESP will send correspondence to the scholars with instructions on how to maintain the account and withdraw their funds. Any non-Program funds that are still in the scholarship accounts may be withdrawn by the scholar. Program funds in the scholarship accounts still require the student to enroll in a qualifying higher education institution within three years of graduation.

R924-1. Purpose: To establish a process through which a supervisor or manager can address an employee's poor performance.

R924-2. References

- 2.1. Policy R910, Equal Opportunity and Nondiscrimination
- 2.2. Policy R941, Staff Compensation
- 2.3. Policy R951, Staff Employee Grievances
- 2.4. Policy R964, Corrective Action and Termination of Staff Personnel

R924-3. Scope: This policy applies to all permanent staff employees of OCHE who have satisfactorily completed their probationary period.

R924-4. Policy: When an employee's performance does not meet established standards due to failure to maintain skills, incompetence, or inefficiency, and after consulting with the Director of Human Resources or their designee, management may place an employee on a documented performance improvement plan in accordance with the following guidelines:

- 4.1. The supervisor shall discuss the substandard performance with the employee and determine appropriate action.
- 4.2. An employee shall have the right to submit written comment to accompany the performance improvement plan.
- 4.3. Performance improvement plans shall identify or provide for:
 - 4.3.1. a designated period of time for improvement, but no longer than ninety days
 - 4.3.2. an opportunity for remediation;
 - 4.3.3. performance expectations;
 - 4.3.4. closer supervision to include regular feedback of the employee's progress;
 - 4.3.5. notice of disciplinary action for failure to improve; and,
 - 4.3.6. written performance evaluation at the conclusion of the performance improvement plan.
- 4.4. Performance improvement plans may also identify or provide for the following based on the nature of the performance issue:
 - 4.4.1. training;

¹ Adopted July 19, 1983, amended January 9, 1987 and June 4, 1999; replaced April 21, 2006.

4.4.2. reassignment;

4.4.3. use of appropriate leave,

4.5. If an employee fails to meet performance expectations of his or her performance improvement plan, management may take appropriate action under R964, Corrective Action and Termination of Staff Personnel, including treating the failure as a second incident and subjecting the employee to substantial corrective action.

4.6. If an employee successfully completes a performance improvement plan, management shall notify the employee of disciplinary consequences if the employee begins demonstrating deficient work performance, up to and including dismissal.

4.7. A written warning may also be used as an appropriate form of performance improvement as determined by the supervisor.

4.8. A Permanent Staff employee has the right to the grievance process found in R951, Staff Employee Grievances, but only if the employee has reason to believe that the procedures pertaining to this policy have been violated.

R964R924-1. Purpose: To establish a process through which a supervisor or manager can address an employee's poor performance.

R964R924-2. References

- 2.1. Policy ~~and Procedure R910~~, Equal Opportunity and Nondiscrimination
- 2.2. Policy ~~and Procedure R941~~, Staff Compensation
- 2.3. [Policy ~~and Procedure R951~~, Staff Employee Grievances](#)
- 2.4. [Policy ~~and Procedure R964~~, Disciplinary Action](#) [Corrective Action and Termination of Staff Personnel](#)

R964R924-3. Scope: This policy applies to all permanent staff employees of OCHE who have satisfactorily completed their probationary period.

R964R924-4. Policy: When an employee's performance does not meet established standards due to failure to maintain skills, incompetence, or inefficiency, and after consulting with [the Director of Human Resources or their designee](#), management may place an employee on a documented performance improvement plan in accordance with the following guidelines:

- 4.1. The supervisor shall discuss the substandard performance with the employee and determine appropriate action.
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- 4.4. Performance improvement plans may also identify or provide for the following based on the nature of the performance issue:

¹ Adopted July 19, 1983, amended January 9, 1987 and June 4, 1999; replaced April 21, 2006.

- 4.4.1. training;
- 4.4.2. reassignment;
- 4.4.3. use of appropriate leave.

4.5. If an employee fails to meet performance expectations ~~after completing~~of his or her performance improvement plan, management may take appropriate ~~disciplinary~~ action under R964, Disciplinary Corrective Action and Termination of Staff Personnel, including treating the failure as a second incident and subjecting the employee to substantial corrective action. ~~Management shall then give the employee an additional thirty days to meet expectations. If the employee fails to meet expectations after thirty days, management may dismiss the employee from employment.~~

4.6. If an employee successfully completes a performance improvement plan, management shall notify the employee of disciplinary consequences if the employee begins demonstrating deficient work performance, up to and including dismissal.

4.7. A written warning may also be used as an appropriate form of performance improvement as determined by the supervisor.

4.8. A Permanent Staff employee has the right to the grievance process found in R951, Staff Employee Grievances, but only if the employee has reason to believe that the procedures pertaining to this policy have been violated.

R951-1. Purpose: To provide an effective means of ensuring fair treatment for regular staff employees seeking to resolve work-related problems or conditions of employment believed to be unfair, inequitable, or a hindrance to effective job performance.

R951-2. References

- 2.1. Regent Policy [R901](#), Personnel Definitions
- 2.2. Regent Policy [R910](#), Equal Opportunity and Nondiscrimination
- 2.3. Regent Policy [R915](#), Staff Employee Separations
- 2.4. Regent Policy [R924](#), Performance Improvement
- 2.5. Regent Policy [R952](#), Discrimination and Sexual Harassment Complaints
- 2.6. Regent Policy [R954](#), Sexual Harassment and Consensual Relationships
- 2.7. Regent Policy [R963](#), Reduction in Force
- 2.8. Regent Policy [R964](#), Corrective Action and Termination of Staff Personnel

R952-3. Definitions

- 3.1. **Adverse Employment Action:** Includes corrective actions, involuntary termination, separation, and reduction in force.
- 3.2. **Advisor:** A person that the grievant and/or respondent has chosen to assist them in the grievance process. The advisor may be an attorney. An advisor may only be present during Step III of the grievance process.
- 3.3. **Corrective Action:** Includes Written Warning, Final Written Warning, Suspension Without Pay, Demotion, and Performance Improvement Plan.
- 3.4. **Employment "At-will":** Employees who are "at will" do not have access to the Staff Employee Grievance process.
- 3.5. **Final and Binding Decision:** A final decision in the grievance process. The grievance is considered closed.
- 3.6. **Grievance:** The act of appealing an adverse employment action as defined in R915, R963 or R964.
- 3.7. **Grievant/Petitioner:** A staff employee who has filed a grievance.

3.8. Mediation: A process by which a trained, neutral third person assists both parties in reaching a mutually acceptable resolution to a work-related grievance. Mediation is completely voluntary. Mediation will occur only when both parties willingly agree to participate. When a party is interested in exploring mediation, that party should contact Human Resources.

3.9. Probationary Staff: Those staff employees hired for, or reinstated to, a Regular Staff full-time or part-time position and serving a probationary period of at least six (6) months. Probationary staff employees are "at will" employees

3.10. Regular Staff: Those staff employees who are regularly scheduled to work 20 or more hours per week. Regular staff employees may be full-time (1.0 FTE) or part-time (equal to or greater than .5 FTE but less than 1.0 FTE).

3.11. Respondent(s): A supervisor and/or manager who responds to a grievance.

3.12. Temporary Staff: Temporary staff employees may be full-time or part-time, receive no benefits, and are employed "at will." Temporary staff employees are either:

3.12.1. Those staff whose employment is expected to last less than nine (9) months; or

3.12.2. Those staff employees whose employment is expected to last nine (9) months or longer but who do not work at least 20 hours each week for nine (9) continuous months.

R951-4. Policy

4.1. Informal Resolution: OCHE encourages employees to first discuss potential grievances with their supervisors as appropriate and to seek an informal resolution of work-related problems or conditions of employment that they believe to be unfair.

4.2. Availability of Step I Grievance: The grievance process set forth in Section 5 is available to all regular full and part-time staff employees who have completed their probationary period. The staff grievance process is not available to at-will employees or other employees who may be excluded from use of this policy by employment contract.

4.3. Grieving Adverse Employment Actions: This process is available for contesting adverse employment actions, which are defined as a corrective action (written warning, final written warning, suspension without pay, demotion, and performance improvement plan), involuntary termination, separation, and reduction in force.

4.4. Grievable Aspects of Corrective Action: There are two aspects of a corrective action that can be grieved as outlined in this policy. First, employees can grieve the decision of a manager to take corrective action based on the facts of the situation. Second, employees may grieve the level of corrective action taken. The employee must

show that one or both of these decisions made by the manager were arbitrary and capricious.

4.5. Reductions in Force: A Reduction in Force is not grievable except insofar as it is alleged that appropriate OCHE procedures have been violated (see R963).

4.6. Performance Improvement Plan: A performance improvement plan is not grievable except insofar as the employee has reason to believe that the procedures pertaining to Policy R924 have been violated.

4.7. Non-Disciplinary Staff Separations: There are two aspects of an R915 separation that can be grieved. First, employees can grieve if they believe that appropriate OCHE procedures have been violated. Second, they can grieve the decision of a manager to separate the employee from employment based on the facts of the situation.

4.8. Confidentiality: Information disclosed by an employee shall be treated as confidential insofar as it does not interfere with OCHE's legal obligation to investigate allegations of misconduct and to take corrective action or as otherwise provided by law.

4.9. Retaliation: Employees shall not be subjected to retaliation for initiating the grievance process or for participating in the grievance process as witnesses.

4.10. Sexual Harassment or Discrimination: Any employee who feels s/he has been subject to sexual harassment or discrimination on the basis of race, color, national origin, ethnicity, religion, sex, age, disability, sexual orientation, or veteran's status may file a complaint with Human Resources in accordance with R952.

4.11. Time Off with Pay: Reasonable time away from regular work duties with pay during scheduled working hours shall be provided to the parties, their representatives, or any witnesses called to testify, for reasonable time spent participating in the grievance resolution process. Prior to taking time off, employees should first contact Human Resources to determine what constitutes "reasonable time off" given the level of grievance and the impact on the work unit.

4.12. Exceptions to OCHE Policy: A proposed resolution of a grievance that involves an exception to an OCHE policy requires the prior approval of the cognizant Associate Commissioner and the Director of Human Resources, or the Commissioner, as appropriate.

4.13. Strict Timelines: The timeline associated with the grievance process is strict. Exceptions may be granted in advance by the Director for Human Resources or designee for good cause. Time limits stated refer to normal working days and do not include weekends or holidays.

4.14. Grievance of Loss of Employment: Grievances regarding loss of employment will proceed directly to Step III, which is the choice of either a hearing by the Staff Grievance Committee or a review by a higher level supervisor. Such grievances are to

be submitted to Human Resources within five (5) working days of receipt of written notice of such termination.

4.15. Dismissal of Grievance: If the employee receives a decision at any step of the grievance process and does not ask for further review of the grievance within the specified time limit, that particular grievance will be closed and not considered further.

4.16. Mediation: At any stage of the grievance process, either party may request mediation to resolve a potential grievance. Mediation will only occur when both parties willingly agree to participate. Mediation is a free service offered to all employees.

4.16.1. If resolution is not reached through mediation, the grievant may withdraw the grievance or engage in the grievance process as discussed below.

R951-5. Step I Grievance—Discussion between Employee and Immediate Supervisor

5.1. Step I Grievance: Written warnings, demotions, suspensions without pay, and performance improvement plans begin at Step I. Loss of employment moves directly to Step III.

5.2. Informal Resolution: Regular employees who wish to pursue a grievance shall initially attempt to informally resolve the grievance with their immediate supervisor. The grievant should present the grievance to his/her immediate supervisor within five (5) working days of the event prompting the grievance.

5.3. Supervisor Response: The supervisor will respond to the grievance within five (5) working days of the discussion.

5.4. Request to Progress to Step II: If the grievant feels the matter cannot be prudently discussed or resolved with the immediate supervisor at Step I, the grievant should inform Human Resources that they wish to progress to Step II. In such cases, Human Resources should be notified within five (5) working days of the event prompting the grievance.

R951-6. Step II Grievance—Review by Higher Level Supervisor

6.1. Five Days to Request Step II: A grievant has five (5) working days to request a Step II grievance (in writing) upon:

6.1.1. notification of the adverse employment action, if the grievant waives Step I, or

6.1.2. receipt of the Step I decision, if the grievant is not satisfied, or

6.1.3. failure of the supervisor to respond to the Step I grievance within five (5) working days. In this case, the grievant must then make a written request to move to Step II, or

6.1.4. the occurrence of the event prompting the grievance if seeking to skip Step I pursuant to 5.4.

6.2. First Written Warning: A Step II grievance of a first written warning or performance improvement plan is conducted by the appropriate higher-level supervisor or manager who was not involved in the Step I grievance and was not involved in the actions being grieved.

6.2.1. Upon receipt of the grievance, the higher-level supervisor should render a Step II decision within five (5) working days. In cases of written warnings, this will be the final decision, and the matter will be considered closed.

6.3. Final Written Warning: A Step II grievance of a final written warning will be conducted the same as a written warning, except that the employee may request a review by the cognizant Associate Commissioner or designee (see section 6.5 below).

6.4. Demotion or Suspension without Pay: A Step II grievance of a demotion or suspension without pay consists of a hearing conducted by a hearing committee according to the same rules and procedures that govern a Step III grievance hearing.

6.4.1. The employee who is grieving a demotion or suspension without pay may waive a hearing by a hearing committee and instead opt to have a Step II grievance conducted by the higher-level supervisor.

6.4.2. Once an employee chooses either a hearing officer or a higher-level supervisor, they may not change their decision.

6.5. Request for Final Review: For final written warnings and suspensions or demotions where the Step III grievance process is waived, upon receipt of the decision by the higher-level supervisor, the parties have five (5) working days to request a final review and decision by the appropriate Associate Commissioner or designee. The appropriate Associate Commissioner or designee should issue a final decision within ten (10) working days of receipt of the grievance.

R951-7. Step III—Grievance of Loss of Employment

7.1. Loss of Employment: In case of a loss of employment, the grievant may request a hearing by a Committee comprised of an objective panel of staff members.

7.2. Time Limit: Requests must be made within five (5) working days of notification of the employment action being grieved.

7.3. Review and Recommendations: Upon conclusion of the hearing, the committee will report its findings and recommendation(s) to the cognizant Associate Commissioner within five (5) working days.

7.4. Review and Written Decision: Upon receipt of the grievance, the Cognizant Associate Commissioner will review the submitted documentation and recommendations

and will issue a written decision within ten (10) working days. In the event that the Associate Commissioner was involved in the action being grieved, another Associate Commissioner will review the recommendations and issue a written decision.

7.5. When Commissioner is a Respondent: In cases where the Commissioner is a respondent or otherwise involved in the decision being reviewed, the final decision will be made by an appropriate person designated by the Director for Human Resources in consultation with the Office of the Attorney General.

R951-8. Step III Grievance Hearing Process

8.1. Selection of Hearing Committee: Upon receipt of the employee's timely request for a hearing, the Director of Human Resources will select the individuals who will serve on the hearing panel. The hearing committee will be composed of three (3) persons who are not involved with the action being grieved and who are impartial to the outcome of the hearing. The Director of Human Resources will designate one of the persons to serve as Chair. The Chair will make sure the proceedings of the hearing are orderly and fair.

8.2 Assistance From Director of Human Resources: To facilitate the work of the hearing committee, the Director of Human Resources will provide the hearing committee with copies of the employee's grievance, the Respondent's decision, and any other information submitted by the parties during the grievance process. The Director of Human Resources will provide the hearing committee with such other information and any investigatory and support services as the hearing committee may request. However, the Director of Human Resources will not participate in the deliberations of the hearing committee nor have any vote in the hearing committee's findings and recommendation.

8.3. Notice of Hearing: The hearing committee will give to the employee and Respondent written notice of the date and time set for the hearing at least ten (10) days prior to the hearing. A copy of this policy shall be included with the notice. Electronic notice is sufficient provided prior communication with the employee during the grievance process has been done electronically. It is the employee's responsibility to ensure that the hearing committee has accurate contact information throughout the grievance process.

8.4. Advisors: Advisors may participate at the hearing. The parties must notify the hearing committee of the advisors selected at least five (5) days prior to the date of the hearing.

8.5. Submission of Evidence and Materials: Whenever possible, all materials submitted for consideration by a party will be made available to the hearing panel and the other party at least five (5) days prior to the hearing. In exceptional circumstances, the hearing panel may allow a party to submit evidence or materials at the time of the hearing.

8.6. Communication Between Parties: Other than making materials available to the other party as set forth above, the parties will not communicate directly with each other about the grievance and will direct their communications to the Chair.

8.7. Record of Hearing: The hearing will be recorded.

8.8. Confidentiality of Hearing: The hearing will be closed to the public.

8.9. Conduct of Hearing: Both parties will present their respective positions. The employee will present his or her position first. Both parties will be given the opportunity to respond to the presentation of the other party and to cross-examine witnesses. The Chair will assist in clarifying issues and determining facts, as well as with the general conduct of the hearing. Committee members may ask questions of both parties to help better understand the facts.

8.10. Witnesses: The Chair or either party may invite witnesses to testify at the hearing. However, the Chair is charged with controlling the hearing and avoiding repetitive testimonies. Witnesses will be invited into the hearing and excused by the Chair. Character witnesses with information that is deemed to be not applicable to the relevant issues will be dismissed.

8.11. Rules of Evidence and Procedure: The hearing committee will not be bound by rules of evidence or procedure and may consider any evidence deemed relevant.

8.12. Burden of Proof: The employee has the burden of establishing by a preponderance of the evidence that the Respondent's decision was arbitrary and capricious as set forth in section 4.4 above. The hearing committee may not substitute its judgment for the judgment of the Respondent. In addition, the hearing committee may not re-adjudicate prior disciplinary actions.

8.13. Failure to Attend Hearing: If the employee fails to attend the hearing without prior notification and good cause, the grievance will be dismissed and the original employment action will remain unchanged. If the Respondent fails to attend, the hearing committee will suspend the hearing until another person can be identified to fill this role.

R9512-1. Purpose: To provide an effective means of ensuring fair treatment for regular staff employees seeking to resolve work-related problems or conditions of employment believed to be unfair, inequitable, or a hindrance to effective job performance.

R9512-2. References

2.1. [Regent Policy and Procedures R901](#), Personnel Definitions

2.2. [Regent Policy and Procedures R910](#), Equal Opportunity and Nondiscrimination

2.3. [Regent Policy and Procedures R915](#), Staff Employee Separations

2.4. [Regent Policy and Procedures R924](#), Performance Improvement

2.35. [Regent Policy and Procedures R952](#), Discrimination and Sexual Harassment Complaints

2.46. [Regent Policy and Procedures R954](#), Sexual Harassment and Consensual Relationships

2.57. [Regent Policy and Procedures R963](#), Reduction in Force

2.68. [Regent Policy and Procedures R964](#), Corrective Action and Termination of Staff Personnel

R952-3. Definitions

3.1. Adverse Employment Action: Includes corrective actions, involuntary termination, separation, and reduction in force.

3.2. Advisor: A person that the grievant and/or respondent has chosen to assist them in the grievance process. The advisor may be an attorney. An advisor may only be present during Step III of the grievance process.

3.3. Corrective Action: Includes Written Warning, Final Written Warning, Suspension Without Pay, Demotion, and Performance Improvement Plan.

3.4. Employment "At-will": Employees who are "at will" do not have access to the Staff Employee Grievance process.

3.5. Final and Binding Decision: A final decision in the grievance process. The grievance is considered closed.

3.6. Grievance: The act of appealing an adverse employment action as defined in R915, R963 or R964.

3.7. Grievant/Petitioner: A staff employee who has filed a grievance.

3.8. Mediation: A process by which a trained, neutral third person assists both parties in reaching a mutually acceptable resolution to a work-related grievance. Mediation is completely voluntary. Mediation will occur only when both parties willingly agree to participate. When a party is interested in exploring mediation, that party should contact Human Resources.

3.9. Probationary Staff: Those staff employees hired for, or reinstated to, a Regular Staff full-time or part-time position and serving a probationary period of at least six (6) months. Probationary staff employees are "at will" employees

3.10. Regular Staff: Those staff employees who are regularly scheduled to work 20 or more hours per week. Regular staff employees may be full-time (1.0 FTE) or part-time (equal to or greater than .5 FTE but less than 1.0 FTE).

3.11. Respondent(s): A supervisor and/or manager who responds to a grievance.

3.12. Temporary Staff: Temporary staff employees may be full-time or part-time, receive no benefits, and are employed "at will." Temporary staff employees are either:

3.12.1. Those staff whose employment is expected to last less than nine (9) months; or

3.12.2. Those staff employees whose employment is expected to last nine (9) months or longer but who do not work at least 20 hours each week for nine (9) continuous months.

R951-4. Policy

4.1. Informal Resolution: OCHE encourages employees to first discuss potential grievances with their supervisors as appropriate and to seek an informal resolution of work-related problems or conditions of employment that they believe to be unfair.

4.2. Availability of Step I Grievance: The ~~Staff Employee~~ Grievance process set forth in Section 5 is available to all regular full and part-time staff employees who have completed their probationary period. The staff grievance process is not available to at-will employees or other employees who may be excluded from use of this policy by employment contract.

4.3. Grieving Adverse Employment Actions: This process is available for ~~grieving~~ contesting adverse employment actions, which are defined as a corrective action (written warning, final written warning, suspension without pay, ~~and demotion, and~~ performance improvement plan), involuntary termination, separation, and reduction in force.

4.4. Grievable Aspects of Corrective Action: There are two aspects of a corrective action that can be grieved as outlined in this policy. First, employees can grieve the decision of a manager to take corrective action based on the facts of the situation. Second, employees may grieve the level of corrective action taken. The employee must show that one or both of these decisions made by the manager were arbitrary and capricious.

4.5. Reductions in Force: A Reduction in Force is not grievable except insofar as it is alleged that appropriate OCHE procedures have been violated (see R963).

[4.6. Performance Improvement Plan: A performance improvement plan is not grievable except insofar as the employee has reason to believe that the procedures pertaining to Policy R924 have been violated.](#)

4.67. Non-Disciplinary Staff Separations: There are two aspects of an R915 separation that can be grieved. First, employees can grieve if they believe that appropriate OCHE procedures have been violated. Second, they can grieve the decision of a manager to separate the employee from employment based on the facts of the situation.

4.78. Confidentiality: Information disclosed by an employee shall be treated as confidential insofar as it does not interfere with OCHE's legal obligation to investigate allegations of misconduct and to take corrective action or as otherwise provided by law.

4.89. Retaliation: Employees shall not be subjected to retaliation for initiating the grievance process or for participating in the grievance process as witnesses.

4.910. Sexual Harassment or Discrimination: Any employee who feels s/he has been subject to sexual harassment or discrimination on the basis of race, color, national origin, ethnicity, religion, sex, age, disability, sexual orientation, or veteran's status may file a complaint with Human Resources in accordance with R952.

4.1011. Time Off with Pay: Reasonable time away from regular work duties with pay during scheduled working hours shall be provided to the parties, their representatives, or any witnesses called to testify, for reasonable time spent participating in the grievance resolution process. Prior to taking time off, employees should first contact Human Resources to determine what constitutes "reasonable time off" given the level of grievance and the impact on the work unit.

4.1112. Exceptions to OCHE Policy: A proposed resolution of a grievance that involves an exception to an OCHE policy requires the prior approval of the cognizant Associate Commissioner and the Director of Human Resources, or the Commissioner, as appropriate.

4.1213. Strict Timelines: The timeline associated with the grievance process is strict. Exceptions may be granted in advance by the Director for Human Resources or designee for good cause. Time limits stated refer to normal working days and do not include weekends or holidays.

4.1314. Grievance of Loss of Employment: Grievances regarding loss of employment will proceed directly to Step III, which is the choice of either a hearing by the Staff Grievance Committee or a review by a higher level supervisor. Such grievances are to be submitted to Human Resources within five (5) working days of receipt of written notice of such termination.

4.1415. Dismissal of Grievance: If the employee receives a decision at any step of the grievance process and does not ask for further review of the grievance within the specified time limit, that particular grievance will be closed and not considered further.

4.1516. Mediation: At any stage of the grievance process, either party may request mediation to resolve a potential grievance. Mediation will only occur when both parties willingly agree to participate. Mediation is a free service offered to all employees.

4.1516.1. If resolution is not reached through mediation, the grievant may withdraw the grievance or engage in the grievance process as discussed below.

R951-5. Step I Grievance—Discussion between Employee and Immediate Supervisor

5.1. Step I Grievance: Written warnings, demotions, ~~and~~ suspensions without pay, and performance improvement plans begin at Step I. Loss of employment moves directly to Step III.

5.2. Informal Resolution: Regular employees who wish to pursue a grievance shall initially attempt to informally resolve the grievance with their immediate supervisor. The grievant should present the grievance to his/her immediate supervisor within five (5) working days of the event prompting the grievance.

5.3. Supervisor Response: The supervisor will respond to the grievance within five (5) working days of the discussion.

5.4. Request to Progress to Step II: If the grievant feels the matter cannot be prudently discussed or resolved with the immediate supervisor at Step I, the grievant should inform Human Resources that they wish to progress to Step II. In such cases, Human Resources should be notified within five (5) working days of the event prompting the grievance.

R951-6. Step II Grievance—Review by Higher Level Supervisor ~~or Hearing by a Hearing Officer~~

6.1. Five Days to Request Step II: A grievant has five (5) working days to request a Step II grievance (in writing) upon:

6.1.1. notification of the adverse employment action, if the grievant waives Step I, ~~or~~ or

6.1.2. receipt of the Step I decision, if the grievant is not satisfied, or

6.1.3. failure of the supervisor to respond to the Step I grievance within five (5) working days. In this case, the grievant must then make a written request to move to Step II, or

6.1.4. the occurrence of the event prompting the grievance if seeking to skip Step I pursuant to 5.4.

6.2. First Written Warning: A Step II grievance of a first written warning or performance improvement plan is conducted by the appropriate higher-level supervisor or manager who was not involved in the Step I grievance and was not involved in the actions being grieved.

6.2.1. Upon receipt of the grievance, the higher-level supervisor should render a Step II decision within five (5) working days. In cases of written warnings, this will be the final decision, and the matter will be considered closed.

6.3. Final Written Warning: A Step II grievance of a final written warning will be conducted the same as a written warning, except that the employee may request a review by the cognizant Associate Commissioner or designee (see section 6.6-5 below).

6.4. Demotion or Suspension without Pay: A Step II grievance of a demotion or suspension without pay consists of a hearing conducted by a ~~“Hearing Officer” chosen from the Hearing Panel/committee. The hearing will be conducted~~ according to the same rules and procedures that govern a Step III grievance hearing.

6.4.1. The employee who is grieving a demotion or suspension without pay may waive a hearing by a hearing ~~officer/committee~~ and instead opt to have a Step II grievance conducted by the higher-level supervisor.

6.4.2. Once an employee chooses either a hearing officer or a higher-level supervisor, they may not change their decision.

6.5. Request for Final Review: For final written warnings and, suspensions or demotions where the Step III grievance process is waived, upon receipt of the decision by the higher-level supervisor ~~or the hearing officer~~, the parties have five (5) working days to request a final review and decision by the ~~cognizant~~ appropriate Associate Commissioner or designee. The ~~cognizant~~ appropriate Associate Commissioner or designee should issue a final decision within ten (10) working days of receipt of the grievance.

R951-7. Step III—Grievance of Loss of Employment

7.1. Loss of Employment: In case of a loss of employment, the grievant may request:

~~7.1.1. A review by a higher-level supervisor or manager who was not involved in the Step I grievance and was not involved in the actions being grieved, or~~

~~7.1.2. A~~ a hearing by a Committee comprised of an objective panel of staff members.

~~7.1.3. Once an employee chooses either a Committee or a higher-level supervisor, they may not change their decision.~~

7.2. Time Limit: Requests must be made within five (5) working days of notification of the employment action being grieved.

7.3. Review and Recommendations: Upon conclusion of the ~~review by the higher-level supervisor/manager or the hearing by the Committee, they should~~hearing, the committee will report ~~their—its~~ findings and recommendation(s) to the cognizant Associate Commissioner within five (5) working days.

7.4. Review and Written Decision: Upon receipt of the grievance, the Cognizant Associate Commissioner will review the submitted documentation and recommendations and ~~should~~will issue a written decision within ten (10) working days. In the event that the Associate Commissioner was involved in the action being grieved, another Associate Commissioner will review the recommendations and issue a written decision.

7.5. When Commissioner is a Respondent: In cases where the Commissioner is a respondent or otherwise involved in the decision being reviewed, the final decision will be made by an appropriate person designated by the Director for Human Resources in consultation with the Office of the Attorney General.

R951-8. Step III Grievance Hearing Process

8.1. Selection of Hearing Committee: Upon receipt of the employee's timely request for a hearing, the Director of Human Resources will select the individuals who will serve on the hearing panel. The hearing committee will be composed of three (3) persons who are not involved with the action being grieved and who are impartial to the outcome of the hearing. The Director of Human Resources will designate one of the persons to serve as Chair. The Chair will make sure the proceedings of the hearing are orderly and fair.

8.2 Assistance From Director of Human Resources: To facilitate the work of the hearing committee, the Director of Human Resources will provide the hearing committee with copies of the employee's grievance, the Respondent's decision, and any other information submitted by the parties during the grievance process. The Director of Human Resources will provide the hearing committee with such other information and any investigatory and support services as the hearing committee may request. However, the Director of Human Resources will not participate in the deliberations of the hearing committee nor have any vote in the hearing committee's findings and recommendation.

8.3. Notice of Hearing: The hearing committee will give to the employee and Respondent written notice of the date and time set for the hearing at least ten (10) days prior to the hearing. A copy of this policy shall be included with the notice. Electronic notice is sufficient provided prior communication with the employee during the grievance process has been done electronically. It is the employee's responsibility to ensure that

the hearing committee has accurate contact information throughout the grievance process.

8.4. Advisors: Advisors may participate at the hearing. The parties must notify the hearing committee of the advisors selected at least five (5) days prior to the date of the hearing.

8.5. Submission of Evidence and Materials: Whenever possible, all materials submitted for consideration by a party will be made available to the hearing panel and the other party at least five (5) days prior to the hearing. In exceptional circumstances, the hearing panel may allow a party to submit evidence or materials at the time of the hearing.

8.6. Communication Between Parties: Other than making materials available to the other party as set forth above, the parties will not communicate directly with each other about the grievance and will direct their communications to the Chair.

8.7. Record of Hearing: The hearing will be recorded.

8.8. Confidentiality of Hearing: The hearing will be closed to the public.

8.9. Conduct of Hearing: Both parties will present their respective positions. The employee will present his or her position first. Both parties will be given the opportunity to respond to the presentation of the other party and to cross-examine witnesses. The Chair will assist in clarifying issues and determining facts, as well as with the general conduct of the hearing. Committee members may ask questions of both parties to help better understand the facts.

8.10. Witnesses: The Chair or either party may invite witnesses to testify at the hearing. However, the Chair is charged with controlling the hearing and avoiding repetitive testimonies. Witnesses will be invited into the hearing and excused by the Chair. Character witnesses with information that is deemed to be not applicable to the relevant issues will be dismissed.

8.11. Rules of Evidence and Procedure: The hearing committee will not be bound by rules of evidence or procedure and may consider any evidence deemed relevant.

8.12. Burden of Proof: The employee has the burden of establishing by a preponderance of the evidence that the Respondent's decision was arbitrary and capricious as set forth in section 4.4 above. The hearing committee may not substitute its judgment for the judgment of the Respondent. In addition, the hearing committee may not re-adjudicate prior disciplinary actions.

8.13. Failure to Attend Hearing: If the employee fails to attend the hearing without prior notification and good cause, the grievance will be dismissed and the original employment action will remain unchanged. If the Respondent fails to attend, the hearing committee will suspend the hearing until another person can be identified to fill this role.

R964-1. Purpose: To ensure that the corrective action process is administered in a fair and consistent manner and that any action reflects the severity of the behavior.

R964-2. References

- 2.1. Policy R910, Equal Opportunity and Nondiscrimination
- 2.2. Policy R924, Performance Improvement.
- 2.3. Policy R941, Staff Compensation
- 2.4. Policy R951, Staff Employee Grievances
- 2.5. Policy R952, Discrimination and Sexual Harassment Complaints
- 2.6. Policy R963, Reduction in Force and Severance Pay

R964-3. Scope

3.1. Permanent Staff: This policy applies to all permanent staff employees of OCHE who have satisfactorily completed their probationary period.

3.2. Appointed, Temporary, and Probationary Staff: Appointed, temporary, and probationary staff employees are not included within the scope of the policy as they are designated “at will” employees and, as such, may be terminated by OCHE without advance notice and without staff employee grievance rights. However, they do have grievance rights if they believe they have been subjected to illegal discrimination as outlined in Policy R952.

3.3. Necessary Conditions: Before any corrective action is taken the Employee’s immediate Supervisor or Manager will make sure one of the following conditions has been met:

3.3.1. the employee was made aware of the expectations of the job as outlined in previous corrective actions,

3.3.2. the employee was made aware of the expectations of the job, through the job description, communicated in the hiring process, orientation, or performance evaluation processes, or

3.3.3. the behavior or performance concern, in the reasonable opinion of the immediate Supervisor, is such that no reasonable person should expect to receive prior warning.

R964-4. Policy

4.1. Consideration of Actual and Potential Impact and Consequences of Behavior:

In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact and to the consequences of the behavior. The factors which will be considered within the decision-making process will include:

4.1.1. Physical/Safety Issues

4.1.2. Service Impact

4.1.3. Financial Implications

4.1.4. Resultant Disruption Level

4.1.5. Violation of OCHE or Work Unit policies, procedures, or standards

4.1.6. Violation of Law

4.2. Level of Corrective Action: The level of corrective action will be the result of an evaluation of each current incident based on the following factors:

4.2.1. the six factors listed above (actual and potential impact)

4.2.2. past history:

4.2.2.1. previous corrective actions taken.

4.2.2.2. the current incident need not be of the same type as previous incidents.

4.2.3. The corrective action will fall into one of the following general categories of increasing seriousness:

4.2.3.1. corrective actions based on a concern,

4.2.3.2. substantial corrective actions, or

4.2.3.3. serious corrective actions.

4.2.4. Supervisors or Managers, in consultation with the Director of Human Resources and others as deemed appropriate, will determine the category of seriousness. The decision will stand unless found during appeal to be arbitrary and capricious.

4.3. Possible Corrective Actions: Possible corrective actions include Performance Improvement Plan implemented in accordance with R924, Written Warning, Final Written Warning, Suspension without Pay, Demotion and Termination.

4.4. Repeated Corrective Action: In the event of future circumstances requiring corrective action, higher levels of seriousness will be assigned based on either violations of prior written warnings or the seriousness of the future behavior.

4.5. Corrective Action without Warning: In some instances corrective action may be applied without prior warnings having been issued to the employee, depending on the nature and severity of the issue.

4.6. Human Resources Review and Approval: Prior to imposing any corrective action of Written Warning, Final Written Warning, Suspension Without Pay, Demotion or Termination, supervisors or managers must consult with the Human Resources office for review and approval of the action.

4.7. OCHE Issues: Where OCHE issues, rather than work unit issues, are involved, the appropriate OCHE representative may take responsibility for any corrective action to be taken.

4.8. Written Action and Details of Grievance Process: The employee will be advised, in writing, of the corrective action being taken and the details of the relevant grievance process. The document will include notice of the employee's right to file a grievance under R951, Staff Employee Grievances.

4.9. Egregious Violations: The following are considered "egregious violations" within the meaning of this policy and procedure:

4.9.1. Theft

4.9.2. Violence or threat of violence

4.9.3. Falsification of OCHE documents or lying to take advantage of OCHE benefits or procedures

4.9.4. A conviction of, or a plea of guilty or no contest to any crime that is detrimental to or impacts the OCHE community

4.9.5. Child pornography

4.9.6. Intentional privacy violation (GRAMA or HIPAA)

4.9.7. A for Cause finding of discrimination or harassment

4.9.8. Other behaviors that, in the judgment of the supervisor and Human Resources, constitute serious misconduct, including but not limited to violations that pose a serious risk of harm to people or resources.

4.10. Performance Improvement Plans. The failure of an employee to meet performance expectations of his or her performance improvement plan implemented in accordance with R924 will be considered a second incident and will subject the employee to substantial corrective action.

R964-5. Procedures

5.1. Factors to Be Considered: In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact and to the consequences of the behavior. The factors which will be considered within the decision-making process will include:

- Physical/Safety Issues
- Service Impact
- Financial Implications
- Resultant Disruption Level
- Violation of OCHE Policies, Procedures, or Standards
- Violation of Law

5.2. Criteria for Corrective Action Based on a Concern: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a “Concern” event occurs when:

5.2.1. The actual or potential impact is low, and

5.2.2. It involved a first incident, and

5.2.3. It is not on the list of “Egregious” violations

Typical Action—First Written Warning. Possible Examples:

- First attendance/tardiness problem—depends on the employee’s role and the actual or potential impact based on the six factors above.
- Error or poor performance—depends on error and the actual or potential impact based on the six factors above.

5.3. Criteria for Substantial Corrective Action: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a “Substantial” event occurs when:

5.3.1. A second “Concern” event (does not need to be the same type of issue) becomes “Substantial” after an initial corrective action was taken, or

5.3.2. A first incident that involves a greater impact than a “Concern”

Typical Action—Final Written Warning and Possible Suspension without Pay or Demotion. Possible Examples:

- Continued errors after a first written warning—depends on the employee’s role and the actual or potential impact based on the six factors above.
- Inappropriate interaction with a customer—depends on the employee’s role and the actual or potential impact based on the six factors above.
- Insubordination- depends on the employee’s role and the actual or potential impact based on the six factors above.

5.4. Criteria for Serious Corrective Action: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a “Serious” event occurs when:

- 5.4.1.** There is an additional “Concern” or “Substantial” event (does not need to be the same type of issue) after a final written warning was issued, or
- 5.4.2.** A “Substantial” event follows a first written warning, or
- 5.4.3.** The behavior is on the list of “Egregious” violations

Typical Action—Termination of Employment, Final Written Warning including a Suspension without Pay, or a Demotion. Possible Examples:

- Continued errors or absenteeism after a final written warning.
- Physically striking a co-worker.
- Theft.

5.5. Administrative Leave: If management determines, after consultation with the Director of Human Resources, that an employee has committed an egregious violation, management may immediately place the employee on paid administrative leave pending the outcome of an investigation or corrective action under this policy.

R964-1. Purpose: To ensure that the corrective action process is administered in a fair and consistent manner and that any action reflects the severity of the behavior.

R964-2. References

2.1. Policy ~~and Procedure~~ R910, Equal Opportunity and Nondiscrimination

~~2.2. Policy and Procedure R924, Performance Improvement.~~

2.23. Policy ~~and Procedure~~ R941, Staff Compensation

~~2.4. Policy and Procedure R951, Staff Employee Grievances~~

2.35. Policy ~~and Procedure~~ R952, Discrimination and Sexual Harassment Complaints

2.46. Policy ~~and Procedure~~ R963, Reduction in Force and Severance Pay

R964-3. Scope

3.1. **Permanent Staff:** This policy applies to all permanent staff employees of OCHE who have satisfactorily completed their probationary period.

3.2. **Appointed, Temporary, and Probationary Staff:** ~~Appointed, Temporary~~ temporary, and probationary staff employees are not included within the scope of the policy as they are designated “at will” employees and, as such, may be terminated by OCHE without advance notice and without staff employee grievance rights. However, ~~they~~ they do have grievance rights if they believe they have been subjected to illegal discrimination as outlined in Policy ~~and Procedure~~ R952.

3.3. **Necessary Conditions:** Before any corrective action is taken the Employee’s immediate Supervisor or Manager will make sure one of the following conditions has been met:

3.3.1. the employee was made aware of the expectations of the job as outlined in previous corrective actions.

~~3.3.12. the employee was made aware of the expectations of the job, as outlined in through the job description, and as communicated in the hiring process, orientation, and or performance evaluation processes, or~~

⁴Adopted July 19, 1983, amended January 9, 1987 and June 4, 1999; replaced April 21, 2006.

3.3.23. the behavior [or performance concern](#), in the reasonable opinion of the immediate Supervisor, is such that no reasonable person should expect to receive prior warning.

R964-4. Policy

4.1. Consideration of Actual and Potential Impact and Consequences of Behavior: In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact and to the consequences of the behavior. The factors which will be considered within the ~~decision~~ [making decision-making](#) process will include:

4.1.1. Physical/Safety Issues

4.1.2. Service Impact

4.1.3. Financial Implications

4.1.4. Resultant Disruption Level

4.1.5. Violation of OCHE or Work Unit policies, procedures, or standards

4.1.6. Violation of Law

4.2. Level of Corrective Action: The level of corrective action will be the result of an evaluation of each current incident based on the following factors:

4.2.1. the six factors listed above (actual and potential impact)

4.2.2. past history:

4.2.2.1. previous corrective actions taken.

4.2.2.2. the current incident need not be of the same type as previous incidents.

4.2.3. The corrective action will fall into one of the following general categories of increasing seriousness:

4.2.3.1. corrective actions based on a concern,

4.2.3.2. substantial corrective actions, or

4.2.3.3. serious corrective actions.

4.2.4. Supervisors or Managers, in consultation with [the Director of Human Resources](#) and others as deemed appropriate, will determine the category of

seriousness. The decision will stand unless found during appeal to be arbitrary and capricious.

4.3. Possible Corrective Actions: Possible corrective actions include [Performance Improvement Plan implemented in accordance with R924](#), Written Warning, Final Written Warning, Suspension without Pay, Demotion and Termination.

4.4. Repeated Corrective Action: In the event of future circumstances requiring corrective action, higher levels of seriousness will be assigned based on either violations of prior written warnings or the seriousness of the future behavior.

4.5. Corrective Action without Warning: In some instances corrective action may be applied without prior warnings having been issued to the employee, depending on the nature and severity of the issue.

4.6. Human Resources Review and Approval: Prior to imposing any corrective action of Written Warning, Final Written Warning, Suspension Without Pay, Demotion or Termination, supervisors or managers must consult with the Human Resources office for review and approval of the action.

4.7. OCHE Issues: Where OCHE issues, rather than work unit issues, are involved, the appropriate OCHE representative may take responsibility for any corrective action to be taken.

4.8. Written Action and Details of Grievance Process: The employee will be advised, in writing, of the corrective action being taken and the details of the relevant grievance process. [The writing document will include notice of the employee's right to file a grievance under R951, Staff Employee Grievances.](#)

4.9. Egregious Violations: The following are considered "egregious violations" within the meaning of this policy and procedure:

4.9.1. Theft

4.9.2. Violence or threat of violence

4.9.3. Falsification of OCHE documents or lying to take advantage of OCHE benefits or procedures

4.9.4. A conviction of, or a plea of guilty or no contest to any crime that is detrimental to or impacts the OCHE community

4.9.5. Child pornography

4.9.6. Intentional privacy violation (GRAMA or HIPAA)

4.9.7. A for Cause finding of discrimination or harassment

4.9.8. Other behaviors that, in the judgment of the supervisor and Human Resources, constitute serious misconduct, including but not limited to violations that pose a serious risk of harm to people or resources.

4.10. Performance Improvement Plans. The failure of an employee to meet performance expectations of his or her performance improvement plan implemented in accordance with R924 will be considered a second incident and will subject the employee to substantial corrective action.

R964-5. Procedures

5.1. Factors to Be Considered: In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact and to the consequences of the behavior. The factors which will be considered within the ~~decision-making~~ decision-making process will include:

- Physical/Safety Issues
- Service Impact
- Financial Implications
- Resultant Disruption Level
- Violation of OCHE Policies, Procedures, or Standards
- Violation of Law

5.2. Criteria for Corrective Action Based on a Concern: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a “Concern” event occurs when:

5.2.1. The actual or potential impact is low, and

5.2.2. It involved a first incident, and

5.2.3. It is not on the list of “Egregious” violations

Typical Action—First Written Warning. Possible Examples:

- First attendance/tardiness problem—depends on the employee’s role and the actual or potential impact based on the six factors above.
- Error or poor performance—depends on error and the actual or potential impact based on the six factors above.

5.3. Criteria for Substantial Corrective Action: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a “Substantial” event occurs when:

5.3.1. A second “Concern” event (does not need to be the same type of issue) becomes “Substantial” after an initial corrective action was taken, or
~~“Substantial” after an initial corrective action was taken, or~~

5.3.2. A first incident that involves a greater impact than a “Concern”

Typical Action—Final Written Warning and Possible Suspension without Pay or Demotion. Possible Examples:

- Continued errors after a first written warning—depends on the employee’s role and the actual or potential impact based on the six factors above.
- Inappropriate interaction with a customer—depends on the employee’s role and the actual or potential impact based on the six factors above.
- Insubordination- depends on the employee’s role and the actual or potential impact based on the six factors above.

5.4. Criteria for Serious Corrective Action: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a “Serious” event occurs when:

5.4.1. There is an additional “Concern” or “Substantial” event (does not need to be the same type of issue) after a final written warning was issued, or

5.4.2. A “Substantial” event follows a first written warning, or

5.4.3. The behavior is on the list of “Egregious” violations

Typical Action—Termination of Employment, Final Written Warning including a Suspension without Pay, or a Demotion. Possible Examples:

- Continued errors or absenteeism after a final written warning.
- Physically striking a co-worker.
- Theft.

5.5. Administrative Leave: If management determines, after consultation with the Director of Human Resources, that an employee has committed an egregious violation, management may immediately place the employee on paid administrative leave pending the outcome of an investigation or corrective action under this policy.