

# PLANNING COUNCIL MEETING MINUTES

Monday, August 31, 2020

9:00 am

Video Conference via Zoom

**In Attendance:** Dr. Karin Hilgersom, Dr. Paul Allen, Thomas Dobbert, Hieu Do, Virginia Irintcheva, Dr. Julie Ellsworth, Brandy Scarnati, Dr. Tina Ruff, YeVonne Allen, Kim Studebaker, Adine Stormoen, Maggie Dostal, Darian Richards, Dr. Marie Murgolo, Jim New, Dr. Joan Steinman, Amy Williams, Julia Bledsoe, Barb Walden, Dr. Natalie Brown, Alyssa Fromelius, Cynthia Pierrott, Heather Haddox, Elena Bubnova, Dr. Dana Ryan, Dr. Ayodele Akinola, Gwendolyn Clancy, Anne Flesher, Valerie Kelley

**Absent:** Etela Gutierrez, Kofi Poku, Cheryl Cardoza

## TMCC Bylaws, Policies and Procedures

Vice President Jim New presented policies on Athletics Team Travel and International Travel to the Council for consideration as new policies. The Council agreed that both policies are necessary. Under a motion made by Dr. Marie Murgolo, Vice President of Academic Affairs, the Council would accept the submissions as first readings and to expedite the review process a virtual vote will occur September 8 thru September 9, on proposed approval of policy. Jim New provided a second to the motion. The Council voted unanimously to accept with no opposition and no abstentions.

Full versions of both policies can be found in the full minutes to be posted on the Planning Council webpage and TMCC Policy Manual.

## Planning Council Purpose & Processes

President Karin Hilgersom introduced to the Council a need to evaluate and revise the Planning Council Charge to better identify purpose. The Council discussed the history of the Planning Council and what the future direction should be and how it pertains to working with the Strategic Master Plan and institutional priorities. Dr. Hilgersom recommended that a biannual plan be a task led by the Council. A working group of up to 6 members will make revision recommendations and bring back to the Council at the September 21 meeting. At the meeting Associate Dean of Assessment and Planning Dr. Melissa Deadmond, Athletics Director Dr. Tina Ruff and Equity and Inclusion Director YeVonne Allen volunteered to be part of the charge review group.

## Nevada System of Higher Education (NSHE) Updates

President Hilgersom provided updates on the works of NSHE since the last meeting of the Council in May. Dr. Hilgersom noted continuing concerns about budgets by the Board of Regents. An NSHE subcommittee is in development that will be tasked with looking at long term strategies if budget reductions become more severe. We may need to be prepared to discuss shared services with other institutions. A list of currently shared services will be compiled to present in discussions with NSHE as necessary. If you know of any services already being shared, or have a suggestion for a shared service, please submit via email to Dana Ryan, Special Assistant to the President, at [dryan@tmcc.edu](mailto:dryan@tmcc.edu).

## Strategic Master Plan Revision Session

Dr. Melissa Deadmond reported to the Council that the revisions session is set for September 29. The goal of the session is to reset the college mission. The group will also factor in the COVID environment when thinking about long term planning. Additionally as we move forward it will be necessary to consider our core themes. The Northwest Commission on Colleges and Universities no longer require core themes. To maintain alignment with NSHE it may be beneficial for us to adopt their 5 goals: Access, Success, Close the Achievement Gap, Workforce and Research. If you are interested in joining the group, please reach out to Melissa.

## Title IX Update

Kim Studebaker, Interim Director of Human Resources, presented a document the Council explaining regulations, changes to the investigation process and steps TMCC needs to take. The full document can be found in the full minutes to be posted to the Planning Council webpage.

## Title IX Update

Jim New gave a presentation to the Council on FY21 Budget Reductions including timelines on how cuts from Regents and the Governor unfolded, recommendations made by the Budget Reduction Task Force, and the outlook for the 2021-23 Biennium. The full presentation can be found in the full minutes to be posted to the Planning Council webpage.

## Planning Council Committee Updates

- Academic and Student Services Committee
  - Dr. Marie Murgolo reported that the committee has been busy with the start of the Fall term, focusing on communications and availability for student help. Work was done with Jumpstart to assist students in getting into the program.
- Accreditation Committee
  - Dr. Melissa Deadmond provided an update on upcoming reports. The committee has begun drafting the year 6 report. It will soon be time to start identifying pieces of evidence for the year 7 report which will be due 2 years from this Fall and will deal with Standard 1.
- Budget Committee
  - No additional report at this time.
- Diversity Committee
  - Adine Stormoen, Veterans Upward Bound Specialist and Diversity Committee Co-Chair, provided the Council with updates on the efforts of the Diversity Committee. The Faculty of Color provided 25 gift cards to students with food needs over the summer. The committee participated in many professional development workshops. Two new diversity advocate positions have been added.
- Enrollment Management Committee
  - Dr. Julie Ellsworth, Dean of Sciences Division, reported that the committee has met once and are focusing on communications going out to students. They are being mindful of areas of concern but also not taking an eye off of areas where enrollment was maintained or experienced gains. It was noted that an environment of in person, low density classrooms are making a big impact in some areas as it basically doubles workloads. Finding additional instruction can be hard to come by.
- Facilities Committee
  - Dr. Ayodele Akinola, Assistant Director of Facilities Operations, provided project updates to the Council including the Red Mountain Stairs project, Café remodel, Parr Bridge and Sun Valley Corridor Improvement.
- Technology Committee
  - Thomas Dobbert, Information Technology Chief Technology Officer, reported that the committee will be meeting tomorrow, September 29. The committee would like more student representation, especially to provide input during this time of online learning.

## Constituency Updates

- Student Government Association
  - Alyssa Fromelius, the Student Government Association President, provided updates on works and initiative of the SGA including the Green Door Scholarship, Mask Communication project with MCO, the Being Successful in an Online Environment website, on campus internship program and Welcome Week events.
- Classified Council
  - Classified Council President Julia Bledsoe reported on the clarification from NSHE of use of institutional email in dissemination of collective bargaining information. Julia also noted that Employee of the Month nominations are open and encourages everyone to submit employees who have gone above and beyond during this time for recognition.
- Faculty Senate
  - YeVonne Allen reported that the Faculty Senate will hold its first meeting Friday, September 4.
  -

## Next Meeting – Monday, September 21, 2020

# REQUEST FOR POLICY REVIEW

Please complete this form and submit it to the Office of the President for inclusion on the President's Advisory Council Agenda

Please describe the purpose of this review. <i>(Check all that apply)</i>			
<input checked="" type="checkbox"/> Add a policy	<input type="checkbox"/> Revise a policy	<input type="checkbox"/> Delete a policy	<input type="checkbox"/> Other
Please provide the text of the new policy. <i>(If this request is for a revision, please provide previous policy text with mark ups on a separate sheet.)</i>			
TMCC Policy Manual: Fiscal and Business Affairs Policy 14XX: Athletics Team Travel			
Athletics Team Travel must be pre-approved by the appropriate approving authority (vice president, dean, director, or designee) prior to any travel through the Workday spend authorization process. Travel rules and regulations are established in accordance with the Board of Regents, State of Nevada and Federal Government rules, regulations, policies and best business practices. Detailed travel procedures are found on the Auxiliary Services website (see attached).			
Responsible Office(s): Auxiliary Services Procedure: Procedures are located on the Auxiliary Services website.			
<b>Background</b>			
Please provide the reason and justification for request This new policy will clarify travel procedures for Athletics Team Travel.			
<b>Impact</b>			
Please describe the impact of this request <i>(cost, legal ramifications, etc.)</i> No fiscal or legal impact.			

## Submitted By

\_\_\_\_\_  
Signature Date Legal Review

# Athletics Travel Policy and Travel Procedures for Athletics

Fall 2020

Travel Procedures for Athletics are directed by the [TMCC Athletic Travel Policy](#) along with [NSHE Board of Regents Handbook](#), [NSHE Procedure Guidelines](#), [The State of Nevada](#), and [Federal Guidelines](#).

## Responsibility and Enforcement

It is the coach's responsibility to comply with the Travel Procedures for Athletics. The Athletics Director will be responsible for accurately reviewing travel documents for compliance to policy and procedures.

Propriety should be exercised when incurring travel expenses. Expenses incurred while in official business travel status will be reimbursed only if the expenses are properly authorized, reasonable, and documented. Expenses incurred by a traveler that do not comply with procedures are the responsibility of the traveler. Coaches and staff are expected to be fiscally responsible at all times during travel.

## Spend Authorizations for Athletics Team Travel

A Spend Authorization must be completed prior to travel in order for the travel to be approved and authorized, availability for insurance coverage, and/or for Pre-loaded Travel Cards.

An *Athletics Team Travel Form (Pre-travel)* must be completed and attached to the Spend Authorization. This form provides required information such as a pre-trip team itinerary, list of travelers, coaches' contact information, and other information regarding mode of transportation, pre-loaded travel cards, lodging, team meals and per diem rates for athletes and staff.

## Pre-loaded Travel Cards

Pre-loaded Travel Cards (for meals only) may be available for individual team members while traveling for an athletics event. These travel cards are used for individual team members to pay for meals. The allowance amount for meals is determined by the Athletics Department budget but cannot exceed the [General Services Administration \(GSA\) per diem rates](#) per day for meals and incidental expenses. All per diem allocations provided to student-athletes must be in accordance with NJCAA regulations.

The coach will work with the Controller's Office to obtain Pre-loaded Travel Cards. Pre-loaded Travel Cards must be reconciled within 15 days after completion of the trip. Itemized receipts must be provided.

## Expense Report for Athletics Team Travel

The coach is responsible to complete an Expense Report for all travelers no later than 15 days after the trip. In the memo field of the Expense Report, the Spend Authorization number must be noted followed by a comma and the trip name.

Example: AUTH-07-00001309, Soccer Travel Price Utah

The Expense Report must have the following documents attached to the submission:

- *Athletics Team Travel Expenses* Form
- *Student Athletics Student Acknowledgment of Funds Received* Form
- Final Travel Itinerary with Official Travel Party Roster

No further reimbursement is given to an individual when a group meal is provided. When completing the Expense Report in Workday, record group meals using the Spend Category for Group Meals.

### **Required Travel Documentation**

Prior to travel, the coach must provide a complete and final copy of the Travel Itinerary with Official Travel Party Roster to the Athletics Director, Compliance Office/Admission and Records, and the Vice President of Student Services Office. The Travel Itinerary with Official Travel Party Roster must be dated, contain a complete travel schedule, and include the following information:

- Date and time of departure and departure location.
- Mode of transportation, name of carrier, and carrier contact information.
- Lodging information including address, and telephone number.
- Rooming list for all travelers.
- Contact numbers for coaching staff and other official staff members traveling with the team.
- Date and time of return and return location
- Official Travel Party Roster must list each person traveling with the team must be listed by name and purpose of travel. Only persons whose names are on the approved list may travel with the team. This includes guests traveling with the team in addition to all student-athletes, coaches and staff members.

### **Transportation Methods for Athletics Team Travel**

The method of transportation is selected by the head coach and approved by the Athletics Director and must have availability of budgeted funds. When choosing transportation, the following factors must be considered: Safety, impact on academics, number of travel days, expense, availability, distance, and budget.

Bus or shuttle transportation services are recommended for Athletic Team Travel.

Student-athletes not traveling with the team either to or from a competition, must sign a ***Release of Liability Waiver*** which must be approved prior to travel by the coach, Athletics Director, or a parent if student-athlete is under 18 years of age.

If a non-TMCC employee is traveling with the team they must sign a ***Release of Liability Waiver*** and must have prior approval from the Athletics Director or designee.

### **Bus or Shuttle Transportation Services**

- Bus or shuttle transportation services may be used to travel to away venues, transport to hotels from airports, and transport from hotels to playing venues.
- P-Cards are not allowed for payment for bus services. A requisition and purchase order must be opened for all bus services prior to use regardless of amount.
- BCN will check each bus company's safety rating and verify appropriate insurance is in place for NSHE requirements.
- Tipping of drivers may not exceed 20 percent. A ***Gratuity Form*** should be used to document the tip.

### **Air Travel**

- Air travel via commercial airlines is allowable for post-season travel.

### **College or Personal Vehicle Use**

- Transporting students in a personal vehicle is not recommended as there is no liability protection from the State for the use of personal vehicles.
- Student-athletes may not drive the other athletes as part of team travel.
- Refer to the [Vehicle Use Policy and Procedures](#) on the Auxiliary Services website for information on the use of College vehicles.

### **Lodging for Athletics Team Travel**

- Lodging rates should not exceed current NSHE rates unless approved by the TMCC President or designee. Rates vary according to the destination city. For accurate lodging rates, please check the [General Services Administration \(GSA\) per diem rates](#) website. Rates are based on a per person, per day.
- As a general guideline, no more than 3 student-athletes may be assigned to a room, one per bed. Special circumstances may occasionally arise in which more than 3 to a room will be authorized.
- Single rooms are reserved for head coaches only except in a situation where travel circumstances and/or gender mix dictates other arrangements.
- Sales tax is not to be paid on in-state hotel charges. The university is a tax-exempt institution.

### **Meals**

- Group meals may be provided and are encouraged for staff and student-athletes in place of cash per diem.
- Group meals may be purchased on the coach's P-Card. A list of all attendees and their purpose of travel (coach, trainer, student-athlete, etc.) must be submitted with an itemized receipt.

- The total may not exceed the per diem per day rate amounts for the number of people traveling. No further reimbursement is given to an individual when a group meal is provided. When completing the Expense Report in Workday, record group meals using the Spend Category for Group Meals.
- The allowance amount for meals is determined by the Athletics Department budget but cannot exceed the [General Services Administration \(GSA\) per diem rates](#) per day for meals and incidental expenses. The Athletics Department may deem a lesser per diem amount as the maximum allowable due to budget availability but the amount cannot be greater. All per diem allocations provided to student-athletes must be in accordance with NJCAA regulations.
- Tips on group meals may not exceed 20%.

### **Administrative and Recruiting Travel**

- All employees are reminded per college policy, the least expensive method of travel should be used whenever possible.
- All individual administrative and recruiting travel must follow the guidelines above.
- Travel for incoming recruits must follow the guidelines in the NJCAA regulations.

### **Volunteer or Guest Travel**

Volunteers are defined as non-paid workers. The Athletics Director or designee must approve volunteer travel with the team. For insurance purposes, all volunteers must be signed up as volunteers with the department of athletics prior to traveling with the team.

Guests are defined as non-employees/non-volunteers who have a business purpose for traveling (e.g. donor cultivation or donor appreciation) with the Athletics Team and must be pre-approved by the Athletics Director.

- Guests must meet all timelines as outlined by the Athletics Department, provide an itinerary in advance, and sign a ***Volunteer Travel Waiver*** form in advance of traveling.
- Guests are required to pay for all travel expenses incurred unless otherwise notified by the Athletics Director.
- Children under 12 years of age are not allowed to travel with the Athletics Team without permission of the Athletics Director. If there is a possibility of traveling with children between the ages of 12 and 18, the Athletic Department needs to be informed in advance in order to obtain clearance per NJCAA regulations.
- Emergency contact information needs to be provided to Athletics in advance.

### **Forms**

- Athletics Team Travel Form (Pre-travel)
- Athletics Team Travel Expenses Form
- Student Athletics Student Acknowledgment of Funds Received Form
- Final Travel Itinerary with Official Travel Party Roster
- Release of Liability Waiver

- Gratuity Form
- Volunteer Travel Waiver





# REQUEST FOR POLICY REVIEW

Please complete this form and submit it to the Office of the President for inclusion on the President's Advisory Council Agenda

Please describe the purpose of this review. (Check all that apply)

- Add a policy       Revise a policy       Delete a policy       Other

Please provide the text of the new policy. (If this request is for a revision, please provide previous policy text with mark ups on a separate sheet.)

TMCC Policy Manual: Fiscal and Business Affairs  
Policy 14XX: International Travel

International Travel must be pre-approved by the appropriate approving authority (vice president, dean, director, or designee) prior to any travel through the Workday spend authorization process.  
Travel rules and regulations are established in accordance with the Board of Regents, State of Nevada and Federal Government rules, regulations, policies and best business practices. Detailed travel procedures are found on the Auxiliary Services website (see attached).  
Responsible Office(s): Auxiliary Services  
Procedure: Procedures are located on the Auxiliary Services website.

## Background

Please provide the reason and justification for request

This new policy will clarify travel procedures for International Travel.

## Impact

Please describe the impact of this request (cost, legal ramifications, etc.)

No fiscal or legal impacts.

Submitted By \_\_\_\_\_

Signature

Date

Legal Review

# International Travel Policy and Travel Procedures

Fall 2020

Travel Procedures for International Travel are directed by the [TMCC International Travel Policy](#) along with [NSHE Board of Regents Handbook](#), [NSHE Procedure Guidelines](#), [The State of Nevada](#), and [Federal Guidelines](#).

TMCC's International Travel Procedures governs all travel abroad opportunities sponsored by, related to, or affiliated with the college. This includes travel by students, or programs arranged by a college, department, program, or club. This policy does not govern travel programs that have no formal affiliation with and/or are not approved by the college.

## Responsibility and Enforcement

International Travel Procedures apply to all faculty, staff, students, and volunteers traveling outside of the United States for college-sponsored or college-related purposes, which may include, but not limited to, study, research, internships, service, conferences/presentations, teaching, performances, student activities, or athletic competitions.

Propriety should be exercised when incurring travel expenses. Expenses incurred while in official business travel status will be reimbursed only if the expenses are properly authorized, reasonable, and documented. Expenses incurred by a traveler that do not comply with procedures are the responsibility of the traveler. Travelers are expected to be fiscally responsible at all times during travel.

The College encourages and supports international travel by faculty, staff, and students. Recognizing there are special risks associated with international travel, these procedures are intended to promote the health, safety, and security of all members of the college community while traveling abroad and to define the review and approval process for college-sponsored or college-related international travel.

The College reserves the right to prohibit or suspend college sponsored or university-related travel to any destination by faculty, staff, or students if significant health, safety, or security concerns pose risks that warrant such a decision or if the college procedures for international travel are not followed.

## Approval for International Travel Requests

TMCC utilizes NSHE's [Business Center North \(BCN\) Risk Management Services](#) to administer international travel requests.

Any faculty, staff, students, or volunteers participating in International Travel sponsored by, related to, or affiliated with the college shall first submit an ***International Travel Authorization Request*** to BCN Risk Management 30 calendar days prior to the date of travel. Requests

received fewer than 30 calendar days prior to the date of travel may not provide adequate time for review, and travel may not be reimbursable. ***International Travel Authorization Requests*** submitted after travel has been completed shall not be reimbursable.

Travel is not approved until the traveler receives an email confirmation from the BCN Risk Management. A traveler whose travel request has been denied may appeal that decision to the TMCC President. The appeal must be in writing and must demonstrate good cause for the travel to be approved. The President or designee shall have final approval authority in regard to international travel requests.

An ***International Travel Safety and Risk Form for Faculty/Staff Travel*** shall be completed by the "Travel Leader" (department representative, faculty, or any other staff who coordinate, lead, advise or approve travel and/or study abroad to any international destination) for travel that involves: (1) students; or (2) a destination country that is on the Department of State's travel warning, watch, alert or sanction list. The ***International Travel Safety and Risk Form for Faculty/Staff Travel*** shall be submitted by the Travel Leader to the [BCN Risk Management Office](#) and may be referred to College Leadership for additional review prior to approval.

A faculty/staff member who travels to the same location for the same activity on more than one occasion in a calendar year shall complete the ***International Travel Safety and Risk Form for Faculty/Staff Travel*** for the first trip, but thereafter during that same calendar year, the faculty/staff member can use the shorter form for recurring or frequent travel.

The forms listed below are available on BCN HR's international travel information page.

- International Travel Safety and Risk Form for Faculty/Staff Travel
- International Travel Safety and Risk Form for Student Travel
- International Travel Safety and Risk Form for Recurring, Frequent Faculty/Staff Travel (short form)

### **Student Travel and Faculty-Coordinated Study Abroad/Service Learning**

Faculty or any other staff who coordinate, lead, advise or approve student travel and/or study abroad to any international destination shall follow the International Travel Procedures in regard to risk assessment, planning and coordinating the travel and developing and communicating safety, risk management, and emergency plans. Resources and training are available to faculty and other staff to assist in the planning and coordination of international student travel and emergency plans. The Travel Leader shall submit all documents required pursuant to the International Travel Procedures to the International Travel Director by established time frames prior to the final approval of the student travel request.

### **Export Controls**

Federal export and sanctions regulations prohibit the unlicensed export of specific commodities, software, services, technology and payments to or from certain countries, entities and individuals

for reasons of national security, foreign policy or protection of trade. Travelers are required to comply with U.S. export and sanctions regulations. Licenses that may be required pursuant to these regulations can take up to several months to obtain and shall be obtained prior to departure.

### **Fly America Act**

Individuals whose travel is Federally-funded shall comply with the requirements of 49 U.S.C 40118, commonly referred to as the "Fly America Act".

### **Insurance and Travel Services**

Travel-related services, access to emergency hospital deposits, emergency medical evacuation services, and foreign workers compensation benefits are provided to faculty, staff, and volunteers through the [BCN Risk Management Office](#) during work-related travel. In addition, regular health plan benefits may also provide foreign travel assistance. Students (excluding student employees) are required to purchase an individual travel insurance policy for the duration of the travel period through an approved vendor, unless a written waiver is received from the [BCN Risk Management Office](#).

### **Rental Vehicles**

NSHE contracts for vehicle rentals do not include foreign countries. Individuals who rent vehicles abroad shall purchase full insurance, including liability and physical damage, as part of the rental agreement. If a vehicle is rented overseas, an insurance policy that specifically covers the vehicle for liability and comprehensive/collision damage must be purchased from an insurer in that country.

### **Spend Authorizations for International Travel**

A Spend Authorization must be completed prior to travel in order for the travel to be approved and authorized. An *Employee Travel Request Form* and an *International Travel Authorization Form* must be attached to the Spend Authorization in Workday.

International travel per diem is based on the [U.S. Department of State Foreign per diem rates](#). Non-surveyed rates are covered by an "Other" category for each country.

Approval of lodging rates in excess of currently authorized rates must be obtained on the *Employee Travel Request Form* prior to the trip. Lodging expenses in excess of the federal foreign per diem rates may be charged to federal grants and contracts or to indirect cost recovery accounts unless a specific sponsor requirement does not allow for this charge. Exceptions may be made for up to 175% of the federal rate for surveyed and 300% for non-surveyed destinations.

### **Emergencies or Safety Related Events**

Travel Leaders or individual travelers shall report any accidents, injuries, safety-related or emergency situations encountered while traveling to the [BCN Risk Management Office](#) and the vertical Vice President of the traveler as soon as possible.

A traveler who receives more than the travel expenses allowed by statute is liable to the state for the overpayment, regardless of who discovers the overpayment (TMCC, State General Accounting Office, or Internal Audit), the time frame of discovery, or the funding source. If an expense an overpayment is discovered, the Travel Accounting Office will notify the traveler in writing. The traveler will be requested to refund the amount overpaid within thirty (30) calendar days.

The college assumes no obligation to reimburse employees for incurred expenses that are not in compliance with TMCC International Travel Policy and Travel Procedures.

### **Forms**

- *International Travel Authorization Request*
- *International Travel Safety and Risk Form for Faculty/Staff Travel*
- *Employee Travel Request Form*
- *International Travel Authorization Form*

# Planning Council

## Purpose

The Planning Council (PC) serves as the central coordinating and directive body for the College's planning efforts. The PC reviews, considers and seeks input from constituencies on proposed institutional bylaw and policy changes; discusses and develops strategies for overall College planning, including prioritization of resource allocation; and promotes communication and distributes information to the College community.

## Planning Council Charge

- Establish long-term planning priorities for the College
  - At regular intervals, conduct and oversee the process of updating the [Institutional Strategic Master Plan](#), Mission Statement, and Core Themes.
  - Design and oversee a process to monitor the goals of the other institutional plans.
- Establish yearly planning priorities for the College
  - Review internal and external data; College, state, federal, and NSHE initiatives; and planning committee documents from within the College community to make recommendations for yearly institutional priorities based on this input.
  - Review and respond to the stated goals of the Board of Regents and the President when formulating the priorities and planning activities of the College.
  - Review resource allocation priorities and requests annually.
- Establish and maintain charges and memberships for College planning standing committees and for the PC.
- Oversee a task force structure to accomplish specific planning tasks or input:
  - Establish task forces to address specific College projects and needs, including the determination of written charges and general composition of the task forces and determine when appropriate, if a task force should be recommended as a standing committee.
  - Monitor and review the work of task forces through status reports from the task force leaders.
  - Where appropriate, monitor the implementation of task force recommendations.

# 2020 Final Rule

## Title IX Regulations Explained

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

On May 6, 2020, the Department of Education released a 2083 page document that introduced significant, legalistic, prescriptive changes to Title IX and focuses strongly on due process. The new regulations went into effect on August 14, 2020. They amend the Code of Federal Regulations and have the force and effect of law.

**Scope of Title IX:** Title IX applies to every single aspect of education, including course offerings, counseling and counseling materials, financial assistance, student health and insurance benefits and/or other services, housing, marital and parental status of students, physical education and athletics, education programs and activities sponsored by the institution, and employment.

### Synopsis:

The new regulations differ from the previous approach to Title IX sexual harassment complaint processes in the following ways:

- **Narrower definition of sexual harassment:** With the exception of quid pro quo (employee to student), stalking, dating violence, and sexual assault, the conduct must be "severe, pervasive, and objectively offensive" to violate Title IX.
- **Narrower geography of obligation:** Schools are obligated to investigate and resolve sexual harassment complaints for conduct only in the US on school grounds, during school-sponsored, and in school-owned or -recognized housing (like fraternities).
- **Quasi-judicial process:** All formal complaints must be investigated and resolved in a live hearing with each party entitled to an adviser or attorney to conduct cross examination and a presumption of innocence—single investigator proceedings are no longer allowed.

### Changes in NSHE BOR Code

The new requirements necessitated revisions to NSHE BOR Code and changes in discrimination and harassment policies and processes: **Title 4, Chapter 8, Section 13** = one policy with different subsections: 1) Non-Title IX Sexual Harassment; 2) Sexual Harassment under Title IX.

TMCC will address misconduct that does not fall within Title IX's new sexual harassment jurisdiction under the non-Title IX Sexual Harassment provisions.

### Changes to the Investigation Process

- Single investigator model gone. Investigator will no longer make a decision of responsibility.
- Formal complaint must be filed by a Complainant, or assigned by the Title IX Coordinator. TMCC must investigate formal complaints.
- Institutions are required to provide supportive measures upon receipt of every report, regardless of a formal complaint being filed.
- Informal resolution is an alternative to an investigation. Both parties must agree and is only offered after a formal complaint is made. Informal resolutions are not offered where an employee has been accused of sexual harassing a student.

- **Live hearings** are required for all investigations, but can be done virtually. Must be recorded.
- Parties' advisors will cross-examine witnesses and parties
- **Institutions must provide advisors to parties who do not have one**
- "Preponderance of Evidence" standard remains per BOR Code.

### What Does TMCC Need to Do?

- Create TMCC webpage(s) dedicated to Title IX with required regulatory information.
- Provide notice in catalog and other electronic documents:  
Institutions must notify applicants for admission and employment, students, parents or legal guardians....of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.
- Update TMCC Title IX-related policies and complaint procedures;
- Create a hearing process and panel;
- Identify and train investigators, decision makers, hearing officers/panels, and advisors;
- Update required training material (**Foundry**=new training platform for students and employees);
- Redefine prevention efforts and assessment.





# FY21 Budget Reductions

Presented to TMCC Campus Community  
August - September, 2020

# FY21 Budget Cut Timeline

TMCC Fiscal Year '21 Approved State Appropriation: \$38,294,670

April 10, 2020 Regents approve proposals for cuts up to 14%	\$5,361,254
June 11, 2020 Regents approve additional 2% cuts as per Governor's request	\$6,082,817
August 8, 2020 Regents approve additional 3.6% cuts as per AB3	\$7,477,295

# Budget Reduction Task Force Recommendations

June 2, 2020

BRTF Submits Recommendations to cover cuts up to \$7.09m

<b>Cuts</b>	
Vacancy Savings	\$1,460,118
Travel	\$157,000
HECC/SHECC	\$50,000
Voluntary Reduced Workload	\$219,200
Convert Overtime to Comp	\$95,000

<b>Offsets</b>	
CARES	\$1,673,626
\$3/Credit Surcharge	\$495,000
Redistribute \$1/Credit	\$165,000
Contingency Reserves	\$922,038
Host Account Cuts	\$63,000
Early Phase-in Savings	\$44,000

# NSHE Offsets

Board of Regents approved additional funding offsets from Operating Pool

June 11, 2020 Regents approve \$50m distribution from Market Fluctuation Account	\$1,957,867
August 21, 2020 Regents approve \$73.5m distribution from Operating Pool unrealized gains	\$3,087,000

# Overall

<b>State Allocation Cuts</b>	
Governor's Recommendation	6,082,817
AB3 Additional Cut	1,394,478
<b>Total State Allocation Cuts</b>	<b>7,477,295</b>
<b>NSHE Offsets</b>	
Market Fluctuation Distribution*	1,957,867
Operating Pool Distribution	3,087,000
<b>Total NSHE Offsets</b>	<b>5,044,867</b>
<b>Total Reductions less NSHE Offsets</b>	<b>2,432,428</b>
<b>Remaining Balance</b>	<b>2,781,390</b>

<b>TMCC Offsets</b>	
CARES Act	1,673,626
Student Surcharge* (flat enrollment)	495,000
<b>Total TMCC Offsets</b>	<b>2,168,626</b>
<b>TMCC Budget Reductions</b>	
Hiring Freeze	1,424,352
Operating/Travel Reductions	207,000
Transfers to Non-state Funds	1,150,038
<b>Total TMCC Reductions</b>	<b>2,781,390</b>
<b>Total TMCC Offsets and Reductions</b>	<b>\$4,950,016</b>

**Surplus 2,517,588**

# Outlook 2021-23 Biennium

Unknown - Conventional Wisdom is for On-going Cuts

- FY21 Surplus to be held for future cuts
- Only \$2.4m of TMCC cuts sustainable into future years
  - Vacancy Savings
  - Student Fee Surcharge
  - Fee Redistribution
  - Travel Reductions
  - Host Account Cuts
  - OT Conversion to Comp time

# Legislative Initiatives

Campus Community Support will be Critical at Legislature

- Caseload Growth - \$1.4m per year
  - Based on FY20 WSCH growth over FY18
- Capacity Enhancement - \$2.25m per year
  - Expansion of High-Demand Gateway/Co-Requisite Courses
- Academic Advising Initiative - \$700k
  - Target 350:1 Ratio