

Tormey, designee for and chief of staff to UW System (UW) president Dr. Ray Cross; and Ms. Kathy Dutter, Dr. Wegenke's assistant attending for the purpose of taking minutes. On the telephone was Ms. Barbara Lundberg, vice president of academic affairs and student affairs at Lac Courte Oreilles Ojibwa Community College.

Election of Officers

Dr. Wegenke nominated Dr. Foy for the position of chairperson. He stated that Dr. Foy currently serves on the Midwestern Higher Education Compact (MHEC) State Authorization Reciprocity Agreement Steering Committee. Mr. Dies seconded the nomination. As there were no other comments or nominations, Mr. Reinemann closed the nominations and respectfully suggested to the members of the body that their choice for chair be unanimous. The board all replied affirmatively.

Mr. Reinemann suggested he continue entertaining the nominations, after which he would turn the meeting over to the newly elected chair. Dr. Foy agreed.

For the vice-chairperson position, Dr. Foy nominated Dr. Cross. Mr. Dies seconded the nomination. With no further comments or nominations from the board, Mr. Reinemann closed the nominations and respectfully suggested to the members that their choice for vice-chair be unanimous. The board members agreed.

Ms. Tormey nominated Dr. Wegenke to serve as secretary. She acknowledged Dr. Wegenke's leadership and hard work toward common goals. Dr. Foy seconded the nomination, adding that Dr. Wegenke is the longest serving Wisconsin commissioner with the Midwest Higher Education Compact or MHEC. As there were no other comments or nominations, Mr. Reinemann closed the nominations and respectfully suggested that the board be unanimous in their choice for secretary. It was agreed, and Mr. Reinemann turned the meeting over to Dr. Foy.

Bylaws and Operating Agreement

Dr. Foy announced that the next steps for the board were to begin the process of applying for MSARA membership, to create an opportunity for individual institutions to apply, to provide a format for renewals of those applications, and to create a process for handling student complaints. Preliminary inquiries about the processes and forms have already been made to MSARA by staff from the various sectors. The feedback has been positive. Dr. Foy expressed hope that the rest of the process will occur in time for the applications to be approved for the fall semester.

Dr. Foy praised the sector staff for their hard work in preparing the draft documents and working on draft materials and for making them complete so as to pass the test for DLAB and for MSARA: Ms. Rebecca Larson, senior vice president for advocacy at WAICU, Ms. Paige Reed, UW System Administration Special Advisor and Program Coordinator for MSARA and formerly System Legal Counsel for UW System, Ms. Nancy Merrill, Senior Policy Advisor and Federal Relations Officer at WTCS, and Ms. Jessica Sabin, Program and Policy Analyst at EAB.

At the request of Dr. Foy, Ms. Larson reviewed the bylaws explaining that much of the bylaws were taken from Wis. Stats. s. 15.07, which governs boards for the State of Wisconsin. Article One covers the name and location of DLAB, as well as its description and purpose. The board is attached to HEAB and may participate in a reciprocity agreement regarding state authorization and distance education programs. Article One also covers who will serve on the board and how staffing will be provided.

Article Two relates to the election of officers and their responsibilities. The terms of the officers will be for one year and begin on January 1, except for this first term which runs from today until December 31, 2017.

The frequency of DLAB meetings are addressed in Article Three, and a quorum of the board was defined as a majority of membership, either in person or telephonically.

Article Four allows for the chair to amend the bylaws, with the approval of a majority of the board.

Dr. Foy noted that annual reporting to the legislature will likely take place in November or December, and that is when officers will be elected. There will not likely be regular January meetings.

In response to Mr. Dies' question about whether state agencies typically adopt bylaws rather than administrative rules, Dr. Foy replied that all independent boards have them.

Ms. Merrill then explained the operating procedures, which were modeled on ideas and material that have worked well in other states. Ms. Merrill acknowledged that Ms. Reed had been pivotal in assuring that documents and provisions from other states are congruent with Wisconsin law and policy. The operating procedures are intended to begin defining the framework for how DLAB members can share resources to collaborate. The document also covers the institutional applications, the review process for the applications as well as the application renewals, removal of a participating institution, the parameters for handling student complaints, the DLAB webpage, staffing provided by the sectors to the DLAB, and amending the procedures. Ms. Merrill noted that the board is committed to reviewing the institutional applications within 60 days and will allocate the review of those applications to each applicable sector representative or designee, but the final decisions will be made by the Board.

Ms. Lundberg raised the question of who would be reviewing the tribal college applications as she was an employee of one of them and was trying to avoid a conflict of interest. Dr. Foy suggested that either the two colleges could designate someone, or that, because they already have a working relationship in other matters, and with the approval of the other DLAB members, the staff from WTCS could perform the reviews. Dr. Foy also clarified that the application reviews are to be done by sector staff, not members of DLAB. She noted that on page one of the operating procedures, under Application decisions, the second sentence in the first bullet point should be struck, leaving the bullet to say, "Institutional applications are reviewed by the applicable DLAB sector representative or their designee." She added that the staff will review the applications and make recommendations to the board for action on them. It was the general

intention for the board members to serve on the board but not necessarily to review the applications.

Mr. Dies expressed concern about the staffing and resources the participating sectors were expected to contribute, citing the vast size differences as a potential issue. Dr. Foy responded that when the conversation about MSARA started in Wisconsin, the sectors agreed that if the purpose of joining MSARA was to reduce the cost of distance education programming, there should not be internal charging of our own institutions within the state. However, MSARA requires provisions for staffing and resources be made as a sign that Wisconsin is serious about membership and will actually be reviewing applications and participating in the complaint process. Intended to be reassuring, the purpose is to avoid the potential for creating a whole new organization with staff outside of the sectors reviewing the applications for sectors they know nothing about. Dr. Foy affirmed that the sectors would be using their own people to do reviews, and if at some point it becomes unmanageable, then the board will consider a charge. This also applies to the role of HEAB, the staff of which will be fielding calls from students and hosting the website. Ms. Merrill added that the operating procedures do require an annual review of resource needs. She stated that when the act was passed, appropriation language was included in case there is a future need. There is currently no funding appropriation.

With apologies to the board, Ms. Merrill noted a typo that needed to be corrected. On page two, in the fourth and sixth bullet points under Responding to Student Complaints, the words “sector representative” should be struck.

Dr. Wegenke suggested interrupting the agenda to hear from Representative Joan Ballweg, who had just arrived. Dr. Foy thanked Rep. Ballweg for her help in moving the MSARA process through the legislature.

Continuing the meeting, Ms. Reed offered a correction to the language used for voting, stating that it should be “upon affirmative vote of the quorum of the board.” It was noted that the appropriate language would be inserted where necessary. DLAB members agreed unanimously.

Dr. Foy indicated she would entertain a motion to approve the bylaws and operating procedures as amended together. Dr. Wegenke so moved, with the corrections discussed. Ms. Tormey seconded the motion. Dr. Foy took a roll call vote and declared that the approval of the bylaws and operating agreement as amended and discussed by the board today passed unanimously. Dr. Foy thanked Ms. Larson, Ms. Merrill and Ms. Reed for their hard work on the documents.

MSARA Application

Dr. Foy explained that before any Wisconsin institutions can apply to MSARA, DLAB must submit an application for Wisconsin and be approved as well. She stated that Ms. Reed, who began working on MSARA matters as UW System Legal has agreed to serve as a Special Advisor and Project Coordinator for the UW in regard to the work of the DLAB.

Ms. Reed then explained the application process. The first step, already completed, was to pass legislation to create the state portal. This board meeting to approve the bylaws, operating procedures and complaint process was next.

Under tab three there is a draft of a cover letter and a draft of the application and evaluation form, which will be submitted on behalf of DLAB to MHEC. Once the requirements listed on the application are met, that will complete the process, at which time the DLAB chair will sign on behalf of the board.

The complaint process, also outlined in tab three, would be posted on the DLAB webpage and all MSARA institutions' webpages. It is currently consistent with the program integrity complaint process that UW, WAICU and WTCS have in place. EAB has its own process and similar language has been used. The process is explained online for the student, as well as DLAB's jurisdiction. This process is intended to apply only to out-of-state students enrolled in an online program through an institution approved by this board. In-state students would be referred to their college or university. Each sector will have a designee review the complaints filed for against their institutions. If the complaint meets the threshold requirements, the process will move forward with an investigation of the claim on the record. If necessary, the designee will meet with the student. A finding will be sent to the full board for consideration. Possible remedies are explained on page three, and page four contains a listing of other state agencies to which the complaint may be referred. The entire process is designed to be transparent.

Dr. Foy suggested a change to the Complaint Process on page two, section three, first paragraph: "any monies owed or balances due to the institution" should become "any monies owed or balances due" in order to keep the language open-ended for students.

Mr. Dies inquired as to what would happen if a student failed to provide all the delineated items. Ms. Reed responded that the students have two years to file a complaint and that unless they waited until the very last day, and perhaps even then, the sector representative would review the file and try to help. Even if a claim would be rejected for being incomplete, there is nothing to prevent another filing, as long as it falls before the deadline.

Mr. Dies questioned how action on the complaints would be taken by the board if the board met once a year or infrequently. Ms. Reed replied that most other state boards delegate the final review to an actual officer who can speak for them. While this option was discussed, it was agreed that for the initial year, it would be preferable for the full board to review the findings rather than a delegate. Ms. Merrill pointed out that the bylaws allow for the chair to call additional meetings.

Dr. Foy stated that it was not her intention to over-schedule meetings with light agendas. She recommended waiting to see what was needed and that board members make a commitment to be available. If the frequency becomes a hardship, the board can address it at that time.

Mr. Dies suggested that the listing of the state agencies and licensing boards in section six to which students may be referred was not complete, and that a better option would be to refer to the Department of Safety and Professional Services (DSPS). He also noted that the attorney

general typically does not take complaints from the public, and therefore, would not likely take complaints from students. Dr. Wegenke agreed that linking to DSPS or other agencies would be appropriate, but, as a point of clarification, the referral to the Attorney General refers, not to individuals, but to state agencies, including DLAB. Dr. Foy opined that students do appreciate being directed to general departments. She also noted that the Attorney General is the general counsel for WTCS. While she agreed that making the information broader was a good move, she cautioned against removing the Attorney General without affirmation from MSARA. The rest of the board agreed that making the language broader and verifying with MSARA was the appropriate action to take. Ms. Reed agreed and, in order to avoid confusion, requested time to review the section and make changes. She added that other states have addressed lack of jurisdiction in many different ways, and that the current language was similar to the complaint process enacted by the State of Wisconsin in accordance with the federal Program Integrity Rules under the Higher Education Opportunities Act.

Ms. Lundberg asked for clarification on what DLAB would be approving, whether it was institutions providing online degrees and programs or online courses. Ms. Reed stated that, according to statute, DLAB will be approving degree-granting institutions that offer courses for credit to students in another jurisdiction that will lead to a degree or certificate. DLAB does not approve the program itself.

Ms. Reed explained that if the cover letter, application, and complaint process were approved at the meeting, and the board gives the chair the authority to submit the application on behalf of the board, the next step is to provide notice to the Joint Committee on Finance, then submit the documents to MSARA. If the documents are acceptable and MSARA has no suggested changes, the MSARA Regional Steering Committee review should be completed by mid to late July. Once the final approval is granted, DLAB can immediately accept applications from the institutions. Ms. Reed stated that UW has already notified its institutions what they will need to be ready to submit. She offered to forward that email with the links to the rest of the board for their use with their institutions.

There were no other questions and Ms. Lundberg moved to approve application as proposed here today. Dr. Wegenke seconded the motion. Dr. Foy took a roll call vote and declared that the approval of the application as proposed today passed unanimously.

Voluntary Commitment to Staff and Resource Support from DLAB Members

Per the DLAB Operating Procedures, board members commit to provide staff and resources as required. Staff and resources have already been utilized for the development and implementation of the of the board and application, and this is expected to continue through the review of the applications, the renewal of applications, dealing with any potential denial of applications, and student complaints. At this point is unclear how much that will require. If HEAB's contributions become disproportionately heavy with maintenance of the website and fielding inquiries from students, the structure will be reevaluated. Mr. Dies expressed concern about the potential workload derived from student complaints. Dr. Foy explained that MSARA has made many changes over the course of Wisconsin raising this as a potential problem to really narrow the scope of what any portal entity would be required to do for a student. Any complaints regarding

what occurs in the classroom are not for DLAB to consider. DLAB's jurisdiction would be limited to topics such as whether the institution provided sufficient resources to maintain an online course, for example, whether the interactive links work. Dr. Foy stated that no action was required on this item other than clarifying that all board members agree.

MSARA Events and Designation of Portal Representatives

Dr. Wegenke announced that Ms. Larson and Ms. Dutter were WAICU's voluntary contribution of staff. Dr. Stephen Kolison, a member of the audience for the meeting, responded that he and Ms. Reed would be the staff for the UW System. Dr. Foy indicated that Ms. Merrill will be the staff reviewing applications for WTCS.

Dr. Foy mentioned the MSARA events listed in the meeting materials. The first is the MSARA Regional Steering Committee and Portal Agents summer meeting in mid-July. State applications will be reviewed by the steering committee, and the meeting will close with a joint meeting of the steering committee and representatives of the portal entities from each state. Dr. Foy suggested sending Ms. Reed and Ms. Larson as DLAB's portal representatives. Only one representative will be allowed to attend the September NCSARA meeting of portal agents. The attendee will be decided at a DLAB meeting later this summer. There will also be periodic telephone calls for the portal agents. The responsibility for these can be shared depending on schedules.

Ms. Reed stated that the goal is to get the Wisconsin application to MHEC by the end of the next week. There was some discussion about whether the application could be submitted before the two-week passive review process is complete. Ms. Reed indicated that they can be done at the same time, so the application can continue to move forward. Ms. Tormey inquired as to what letterhead would be used. It was agreed that "Distance Learning Authorization Board" would be used without any logos from any of the sectors or board members.

2016 Meeting Dates

The currently scheduled DLAB meeting dates for the rest of 2016 are Tuesday, August 23, Tuesday, September 20, and Thursday, September 29. The times and locations of the meetings are not yet set. Dr. Foy requested all board members put the dates on their calendars and make every effort to attend. These meetings will likely be filled with application approvals for the institutions. There will also need to be a meeting at the end of the calendar year to sign off on the annual report to the legislature.

DLAB Chair's Authority to Enter into Agreement with Tribal Colleges

Dr. Foy explained that as the State of Wisconsin had to give permission for WTCS and UW to participate, so must the tribal councils. Therefore, a motion is needed to allow the DLAB chair to interact with the tribal college. Ms. Reed affirmed that for any tribal college that seeks participation with MSARA is required to sign an agreement with the board. Because the tribal colleges are not within the state's jurisdiction, a signed agreement with the tribal chairs is necessary. Ms. Tormey moved to allow the DLAB chair to proceed in communicating with the

tribal colleges to secure permission from the tribal councils. Mr. Dies seconded the motion. Dr. Foy took a roll call vote and declared the approval for the chair to enter into such agreements was adopted unanimously.

New Business

There was no new business.

Adjournment

Dr. Foy called for a motion to adjourn. Ms. Lundberg made the motion, which was seconded by Mr. Dies. The meeting adjourned at 3:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Rolf Wegenke', written in black ink.

Rolf Wegenke, President, WAICU
Secretary, DLAB