



**A Special Meeting of the
Committee on Human Resources and Administration
BOARD OF REGENTS FOR HIGHER EDUCATION
Boardroom 123, 39 Woodland Street, Hartford, CT
1:00 p.m., Thursday, July 21, 2016**

AGENDA

1. Call to Order
2. Approval of Meeting Minutes of June 2, 2016

INFORMATION ITEMS:

3. Executive Session
4. Discussion of Presidential Compensation Guidelines
5. Training Portal Update (M. Lopez)
6. Discussion of Affirmative Consent Legislation
7. Adjournment

Committee members

Naomi K. Cohen, Chair
Yvette Melendez
Richard J. Balducci
Elease Wright
David Jimenez

**BOARD OF REGENTS FOR HIGHER EDUCATION
HUMAN RESOURCES & ADMINISTRATION COMMITTEE**

Minutes – Regular Meeting

1:00 p.m., Thursday, June 2, 2016

1st Floor Boardroom, 39 Woodland Street, Hartford, CT

COMMITTEE MEMBERS PRESENT

Naomi Cohen, Chair

David Jimenez

Yvette Melendez

Elease Wright

COMMITTEE MEMBERS ABSENT

Richard Balducci

BOR STAFF PRESENT

Mark Ojakian, President

Steven Weinberger, Vice President for Human Resources

Michael Lopez, Director of Human Resources Administration

Erin Fitzgerald, Associate for Board Affairs

Rosalie Butler, Administrative Assistant

CALL TO ORDER

With a quorum present, Chair Cohen called the meeting to order at 1:06 p.m.

Committee members agreed to discuss items out of agenda order.

APPROVAL OF MEETING MINUTES FROM MARCH 3, 2016

The minutes of the March 3, 2106 meeting were unanimously approved.

EXECUTIVE SESSION

At 1:07 p.m., on a motion by Regent Melendez, seconded by Regent Jimenez, the Committee voted to go into Executive Session for the purpose of discussion concerning records, reports and students, or the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee; and strategy or negotiations with respect to collective bargaining. Committee Chair Cohen announced that no votes would be taken in Executive Session. President Ojakian and VP Weinberger were asked to remain with the Committee throughout Executive Session. All other CSCU staff left the meeting.

RETURN TO OPEN SESSION

At 1:57 p.m., Committee Chair Cohen announced that the meeting had returned to Open Session and that no votes were taken in Executive Session. Discussion was limited to records, reports

and students, the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, and collective bargaining.

President Ojakian left the meeting. Director Lopez, Ms. Fitzgerald and Ms. Butler rejoined the meeting.

FLSA OVERTIME RULES

VP Weinberger provided Regents with a summary from the U.S. Department of Labor addressing the recent release of new overtime rules under the Fair Labor Standards Act and their implications on higher education. The topic has garnered considerable attention in the press, as employers develop implementation plans. While most will see an increase in the cost of doing business, the impact to CSCU should be minimal. Any arrangements with respect to overtime and compensatory time will remain undisturbed. UConn, a research institution, has postdoctoral fellows who may be affected. VP Weinberger responded to Regent questions regarding exempt employees and compensatory time.

TRAINING PORTAL

Director of Human Resources Administration Michael Lopez presented Regents with a status update on the new training portal, as well as a visual tour. The objective was to have a System-wide portal accessible to all employees. He characterized the timing as good to bring all units together under a new contract, as the contract with the previous vendor was expiring. The portal houses all mandated State and higher education training in one place, at a cost of \$196.4K, over a three-year term. CSCU is “piggybacking” off the State of Vermont contract. Ultimately, the portal will become an in-house resource.

Director Lopez described those policies required, the status of those completed and responded to Regent questions. The portal houses both policies and training modules. Reporting capabilities are being fine-tuned. Types and timing of training were discussed. Certain courses are still being aligned with State or Federal mandates. CSCU is relying upon other agencies to upload their online courses for Workplace Violence. Director Lopez explained the CT Education Academy (CEA) is the portal for all agencies, overseen by the Department of Administrative Services, while the CT Distance Learning Consortium manages its content. Director Lopez further explained the next step is to transition to CEA, which has always been the goal. CSCU may be able to go from FirstNet to CEA within 18 months.

Chair Cohen expressed concern that follow up to ensure compliance may not be occurring. Discussion followed as to how training requirements for Management Confidential staff and union employees differ. Committee members expressed their preference that employees be required to take and pass a competency test at the end of each training module. Director Lopez indicated that this change could be made. It was also noted that CHRO requires an avenue be provided for any online trainee to be able to ask questions.

BACKGROUND VERIFICATION POLICY – BAN THE BOX LEGISLATION

VP Weinberger explained that Connecticut had recently adopted legislation preventing public employers from inquiring about criminal history at the outset of the application process. Connecticut is currently one of 19 states that have adopted "ban-the-box" legislation designed to offer further employment opportunities to ex-convicts.

Accordingly, the goal of Connecticut's ban-the-box law is to require that employers allow ex-offenders and convicted criminals to apply and present their credentials prior to having to reveal their criminal history, thereby banning a box on the application requiring applicants to provide information on criminal history. VP Weinberger stated that the CSCU application does not currently contain such a box, nor would the legislation preclude the System from performing background checks further along in the hiring process. CSCU currently requires a background check for employees after an offer has been made but before work can begin.

BENCHMARKING REVIEW FOR MANAGEMENT AND CONFIDENTIAL PROFESSIONAL PERSONNEL

VP Weinberger noted that the CSCU Consolidated Compensation Structure for Management and Confidential Professional Employees was adopted by the Board of Regents, effective September 18, 2015. He further noted that the procedures associated with this pay plan call for an annual benchmarking review. After a brief discussion, the Committee directed VP Weinberger to review the compensation structure and develop and present an analysis and recommendations for consideration at its September 1, 2016 meeting.

AFFIRMATIVE CONSENT LEGISLATION

VP Weinberger reviewed with Regents two action items on the agenda at the June 3, 2016 BOR Academic and Student Affairs Committee meeting. House Bill 5376, "An Act Concerning Affirmative Consent", was passed and enacted as Public Act 16-106 and becomes effective July 1, 2016. In order to comply with PA 16-106, the BOR will seek to amend its Sexual Misconduct Reporting, Support Services and Processes Policy (and also to fulfill its agreement with the CSU-AAUP). Further, the BOR seeks to amend the CSCU Student Code of Conduct. Committee members also discussed the current BOR Policy on Consensual Relationships. VP Weinberger indicated he is reviewing the legislation and will incorporate in an appropriate manner any necessary updates to the BOR Policy on Consensual Relationships.

NEW BUSINESS

No new business was discussed.

The next committee meeting is scheduled for Thursday, September 1, 2016, at 1 p.m.

ADJOURNMENT

With no further business to consider, the meeting was adjourned at 3:15 p.m. on a motion by Regent Jimenez, seconded by Regent Wright.



PRESIDENTIAL COMPENSATION GUIDELINES

*For the Presidents of the institutions comprising the
Connecticut State Colleges & Universities*

March 2015

Introduction

The Presidential Compensation Guidelines are for the presidents of the institutions comprising the Connecticut State Colleges and Universities.

These Guidelines, and all subsequent revisions, supersede and/or replace all policies, rules, and classification and compensation plans issued previously for the presidents.

The presidential compensation structure consists of salary levels that are designed to provide competitive salary opportunities for the responsibilities and requirements of the presidential positions within the CSCU System. The guidelines provide direction on how salaries should be set within a level.

Presidents appointed prior to the adoption of these Guidelines shall be grandfathered from the salary structure contained in these Guidelines, except that no president shall be paid less than the appropriate minimum rate.

Setting the Hiring Salary

The guidelines below provide direction on how salaries should be set within a level. Salaries should be determined and managed by taking into account the skills, education and experience of the individual, as well as external market and system-wide equity factors. Individuals will progress through the level based on growth in their knowledge and experience, as well as performance.

The salary levels are broad to accommodate a variety of experience and performance levels, and all incumbents can expect to be paid within the salary range associated with their institution type.

Setting a hiring salary involves a review by the BOR President of the skills and experience of the candidate in relation to the salary range associated with institution type. In all cases, hiring salaries are dependent upon the institution's available financial resources and system-wide equity considerations. The final hiring salary must be approved by the BOR President before an offer is made to a candidate. Appointment of presidents shall be pursuant to Board policy.

Managing Salaries within a Level



Salary Structure and Rates *Effective March 26, 2015*

Salary Rates, Annualized

Institution Type & Size	Minimum	1/4 Mark	Midpoint	3/4 Mark	Maximum
COLLEGES					
Small Colleges:					
Asnuntuck, Charter Oak, Middlesex, Northwestern CT & Quinebaug Valley	\$160,200	\$170,050	\$179,900	\$189,750	\$199,600
Large Colleges:					
Capital, Gateway, Housatonic, Manchester, Naugatuck Valley, Norwalk, Three Rivers & Tunxis	\$191,400	\$197,400	\$203,400	\$209,400	\$215,400
UNIVERSITIES					
Small Universities:					
Eastern & Western	\$238,000	\$253,825	\$269,650	\$285,475	\$301,300
Large Universities:					
Central & Southern	\$264,300	\$279,500	\$294,700	\$309,900	\$325,100

Salary Increases and Adjustments

Salary Increases

Salary increases shall be pursuant to Board policy. The effective date for annual salary increases shall be the beginning of the pay period that includes July 1. At the same time salary increases are considered, the salary ranges will be reviewed to determine if an adjustment to the structure is needed. No one employed less than six months in a position shall be eligible for consideration of such a salary increase. Anyone who will not be employed in a presidential position as of September 1, for any reason, shall not be eligible for a salary increase. (See Section 6.5 of the Human Resources Policies for Management and Confidential Professional Personnel for additional details.) The System Office will disseminate guidelines for implementing annual salary adjustments/increases.

OLR Bill Analysis**6.****SHB 5376 (as amended by House "A" and "B")******AN ACT CONCERNING AFFIRMATIVE CONSENT AND CONSENT FOR THE CARE AND TREATMENT OF COLLEGE STUDENTS WHO ARE THE VICTIM OF SEXUAL ASSAULT.*****SUMMARY:**

By law, higher education institutions in Connecticut must adopt and disclose one or more policies on sexual assault, stalking, and intimate partner violence. Among other things, the policies must include provisions about (1) providing, to students and employees who report or disclose being victims of such violence, information about their options for assistance; (2) disciplinary procedures; and (3) possible sanctions.

This bill requires institutions to use a standard of affirmative consent when determining, in the context of these policies, whether sexual activity is consensual. The policies must include clear statements advising students and employees of the affirmative consent standard. Additionally, the bill specifies that the policies must describe the institutions' investigation procedures for students and employees. (Existing law requires that the policies describe the institutions' disciplinary procedures.) The also requires that an official trained annually in issues relating to sexual assault, stalking, and intimate partner violence conduct investigations in which the respondents are students. (Existing law applies this requirement to disciplinary proceedings in which the respondents are students.)

The bill requires higher education institutions (except for Charter Oak State College) to include, in the awareness programming they offer to students and employees, an explanation of the affirmative consent standard. It also replaces references to "victim" and "accused" in current law. Generally, it replaces references to (1) "victim" with "student or employee who reports or discloses the alleged violation" and (2) "accused" with "student or employee responding to such report or disclosure."

Lastly, the bill makes technical and conforming changes.

*House Amendment "A" (1) modifies the definition of affirmative consent and makes conforming changes, (2) specifies that higher education institutions are not required to adopt the bill's definition verbatim, and (3) removes a provision in the underlying bill (File 73) that allowed sexual assault forensic examiners to treat or provide immediate care to certain sexual assault victims younger than age 18.

*House Amendment "B" specifies that higher education institutions have sole authority to adopt a definition of "affirmative consent."

EFFECTIVE DATE: July 1, 2016

AFFIRMATIVE CONSENT

The bill defines "affirmative consent" as an active, clear, and voluntary agreement by a person to engage in sexual activity with another person. It specifies that higher education institutions, in

exercising their sole authority to adopt a definition of “affirmative consent,” are not required to adopt the bill's definition verbatim but must use a definition that has the same or a substantially similar meaning.

Institutional Policies

The bill requires that institutions' sexual assault, stalking, and intimate partner violence policies include provisions for informing students and employees that, in the context of the policies regarding sexual assault and intimate partner violence,

1. affirmative consent (a) is the standard used to determine whether sexual activity was consensual and (b) may be revoked at any time during the sexual activity;
2. each person is responsible for ensuring that (a) he or she has affirmative consent from all people engaged in the sexual activity and (b) the affirmative consent is sustained throughout the sexual activity; and
3. a past or current dating or sexual relationship, by itself, is not determinative of a finding of affirmative consent.

The policies must also provide that an alleged lack of affirmative consent is not excused by the respondent's belief that the student or employee complainant consented because the respondent was intoxicated, reckless, or failed to take reasonable steps to ascertain whether the complainant affirmatively consented. It is similarly not excused if the respondent knew or should have known that the complainant was unable to consent because the complainant was unconscious, asleep, unable to communicate due to a mental or physical condition, or was incapacitated due to the influence of drugs, alcohol, or medication.

Awareness Programming

The bill requires higher education institutions (except for Charter Oak State College) to include, in the awareness programming they offer to students and employees, an explanation of the affirmative consent standard. Under existing law, higher education institutions (except for Charter Oak State College) must offer, within existing budgetary resources, sexual assault, stalking, and intimate partner violence primary prevention and awareness programming for all students and employees that includes an explanation of the definition of consent in sexual relationships.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 14 Nay 3 (03/03/2016)