



NC-SARA Virtual Board Meeting

DRAFT Minutes

February 8, 2024 | 11:00AM - 2:00 PM MT

Thursday, February 8, 2024

Board Directors

Eduardo Ochoa (Vice Chair)
John Cavanaugh (Treasurer)
Art Coleman
Laurie Dodge
Lanna Dueck
Susan Heegaard
Angela Lee
Sam Loftin
Cam Maeyaert
Demi Michelau
Carlos Morales
Eduardo Ochoa
Stephen Pruitt

Jason Rojas
Ed Ray
Elise Scanlon
Michael Thomas
Sarah Armstrong Tucker

Guests

Alex Nock (Penn Hill Group)
Alysha Bold (Penn Hill Group)

NC-SARA Staff

Marianne Boeke
Schuyler Perry
Jeannie Pauline Yockey-Fine

Welcome

Vice Chair Ochoa opened the NC-SARA board meeting at 11:04 AM MT with a welcome to the new board members. The board secretary called roll with all board members reported as present except Rob Anderson and Barbara Gellman-Danley.

Minutes of the October 2023 Board Meeting

The board vice chair called for discussion of the October 2023 board meeting minutes.

(ACTION) Vice Chair Ochoa called for a motion to approve the October 2023 Board Meeting Minutes.

Motion to approve – Michael Thomas
Seconded – Laurie Dodge
Abstentions – Sam Loftin & Cam Maeyaert

All were in favor and the motion was carried unanimously.

Discussion of Potential Fee Increases for SARA Participating Institutions

Treasurer Cavanaugh provided a review of the current fee-increases and categories for SARA participating institutions and a review of the discussion regarding the draft proposal presented during the 2023 October board meeting. Treasurer Cavanaugh opened the floor for discussion

regarding the fee-increases for SARA participating institutions. A board member asked for a review of the stakeholder feedback from the NC-SARA president who noted that feedback was in support of the fee-increases due to the increased capacity for NC-SARA to expand the SARA Portal and resources for institutions and SPEs with the funds that would be available should the fee-increase pass the board vote.

(ACTION) Treasurer Cavanaugh called for a motion to approve the fee-increases as presented for SARA participating institutions.

Motion to approve – Ed Ray
Seconded – Eduardo Ochoa

All were in favor and the motion was carried unanimously.

Discussion of the SARA Policy Manual Edits

Treasurer Cavanaugh opened the floor for discussion regarding the red-lined portion of the SARA Policy Manual dealing with NC-SARA fees (Section 3.6). A board member asked for clarification regarding the submission of the red-line draft through the policy modification process, with the vice chair noting that this is an editorial change and therefore will not be submitted through the policy modification process as it is the purview of the board. It was further noted by the NC-SARA general counsel that notifications regarding the board vote will be sent to all stakeholders following this meeting, and the red-line changes will be available on the NC-SARA website for all stakeholders. The implementation date of this adjustment is in alignment with the effective date of the approved 2023 policy modifications and will be made to the Policy Manual at the same time as the approved modifications.

(ACTION) Treasurer Cavanaugh called for a motion to approve the red-lined draft of the SARA Policy Manual (Section 3.6).

Motion to approve – Cam Maeyaert
Seconded – Michael Thomas

All were in favor and the motion was carried unanimously.

Sunset the Consumer Protection Task Force

The chair of the consumer protection task force provided a review of the work started in 2022 and 2023 and made a recommendation to the full board that the task force be sunset, and the work of the task force be carried forward and continued through the policy committee. It was noted that the task force was put in place to set a foundation for the important work of student protections and should now be incorporated into a permanent NC-SARA committee to ensure the organizations' continued focus on consumer protections as a standing committee to affirm NC-SARA's continued commitment to consumer protection issues. A board member recommended that the name of the NC-SARA policy committee be updated to reflect the additional charge of this committee to continue the work of the consumer protection task force. The vice chair was in agreement and tasked the current policy committee chair and membership

to update their committee title during the first policy committee meeting of 2024. The policy committee will bring forward their updated committee name to the May 2024 board meeting for board approval, and the NC-SARA bylaws regarding committee membership will be updated at that time to reflect the new title and broader charge of the policy committee.

(ACTION) Vice Chair Ochoa called for a motion to sunset the NC-SARA Consumer Protection Task Force.

Motion to approve – Michael Thomas
Seconded – John Cavanaugh

All were in favor and the motion was carried unanimously.

Committee Chairs & Committee Membership for 2024

Vice Chair Ochoa opened the floor for discussion of committee membership and for board vote on committee membership for 2024.

(ACTION) Vice Chair Ochoa called for a motion to appoint Jason Rojas and Elise Scanlon as Co-Chairs of Governance & Nominations Committee, with Elise Scanlon to represent the Governance & Nominations Committee on the NC-SARA Executive Committee.

Motion to approve – Michael Thomas
Seconded – John Cavanaugh

All were in favor and the motion was carried unanimously.

(ACTION) Vice Chair Ochoa called for a motion to appoint Lanna Dueck as Chair of the Policy Committee, and Sam Loftin and Cam Maeyaert as Policy Committee members.

Motion to approve – Angela Lee
Seconded – Sarah Armstrong Tucker

All were in favor and the motion was carried unanimously.

(ACTION) Vice Chair Ochoa called for a motion to appoint Sam Loftin as a member of the Finance Committee.

Motion to approve – John Cavanaugh
Seconded – Ed Ray

All were in favor and the motion was carried unanimously.

(ACTION) Vice Chair Ochoa called for a motion to appoint Lanna Dueck and Carlos Morales as Strategy Committee members.

Motion to approve – Elise Scanlon
Seconded – Laurie Dodge

All were in favor and the motion was carried unanimously.

Regional Compact Working Group Unified Agreement

An update regarding the regional compact working group to resolve discrepancies between approved policy modifications and the Unified Agreement was given by the WICHE president. They noted that the working group is still in early stages, and membership on the working group has not yet been determined. The working group will be unable to complete their work ahead of the conclusion of the second iteration of the policy modification process. The WICHE president opened the floor for discussion regarding next steps for the working group, and for feedback regarding strategy from the board. Robust discussion regarding the October 2019 board vote regarding the Unified Agreement ensued, with the WICHE president noting that a virtual summit for regional compact staff and SPEs will be held to provide stakeholders the opportunity to discuss the 2019 NC-SARA board action.

A board member suggested that an amendment to the Unified Agreement be drafted and considered by the working group to ensure that the foundational document is not opened up and altered, but to allow for modifications that have been approved by all four regional compacts to move forward. The board agreed that an amendment should be considered, as long as the amendment deals only with the removal of inappropriately placed policy language within the Unified Agreement that prevents approved policy modifications from being implemented. The NEBHE president noted that per Section 9 of the Unified Agreement (Amendment of the SARA Agreement), “Procedures to solicit and consider suggested amendments shall be developed, published and administered by NC-SARA, in concert with the regional compact;” development of draft amendments to ensure that policy modifications can be properly developed and implemented is not in conflict with the language of the agreement. The NC-SARA president noted that NC-SARA is ready to assist in any way necessary to ensure the good work of the working group can move forward.

A board member requested that the working group bring forward a report outlining the purpose and mission of the working group, and their strategic plan for stakeholder engagement, for review and discussion by the full board during the May 2024 board meeting.

Governance & Nominations Committee Discussion

The vice chair opened a discussion regarding the governance and nominations committee response to the Century Foundation proposed policy modification from the 2023 cycle. It was noted that after careful review and discussion, the committee does not consider this modification advisable, and that no action is recommended at this time. Robust discussion regarding the response, potential language changes to the response, and the current sessions of negotiated rulemaking ensued, with the board in agreement that further discussion on this topic during the May 2024 board meeting is required. The board agreed that the committee should hold this

response until there is more clarity regarding the outcomes of negotiated rulemaking in 2024, and should the board decide to send a formal response to this proposal, that it should be condensed to reflect the core conflicts within the proposal.

The NC-SARA president noted that they have been in contact with the Century Foundation and Carolyn Fast directly over the past year and noted that they are aware that the proposed modification is being reviewed by the governance and nominations committee. The president recommended that a brief response be shared with the Century Foundation to ensure continued commitment to open communication, transparency, and direct engagement by the board with stakeholders. A brief discussion regarding the composition of the regional steering committees and the management of SARA in each state ensued, with the vice chair noting that these topics will be discussed in-depth at the next meeting between NC-SARA leadership, the board officers and the regional compact presidents. Robust discussion regarding the composition of the NC-SARA board ensued; it was noted that during the 2023 open call for nominations to the NC-SARA board that no attorneys general, consumer advocates or SARA critics were nominated or self-nominated for consideration by the governance and nominations committee.

Penn Hill Update

Alex Nock and Alysha Bold of Penn Hill Group were admitted to the virtual board meeting room at 1:00 PM MT to provide an update regarding the Department of Education negotiated rulemaking. A review of negotiated rulemaking in 2023 was given, in addition to an overview of the 2024 sessions and backgrounds of the current negotiators. An update regarding the alternative given by the board chair to the negotiators was given with the note that the alternative was based on the current strategy of not vetoing or overturning the decision of the states. Nock noted that micromanagement of board membership is not necessary if the board is set up to facilitate, rather than block, the policy modifications presented and approved by the states. The alternative, which would recommend that the NC-SARA board vote in the October 2024 board meeting to accept all policy modifications approved by the four regional steering committees without a board vote, was discussed. Robust discussion regarding education specific laws, board membership and composition, and the current negotiations ensued. Nock noted that the negotiators are not close to consensus and recommended that the board and NC-SARA staff engage with their stakeholders to ensure their voices are being heard by the department directly. Further discussion by the board regarding stakeholder involvement ensued, with the board in agreement that data reporting be introduced to the negotiations as some information being shared is not applicable to SARA participating schools. A review of stakeholder outreach was provided from a regional compact perspective.

The NC-SARA president noted that a two-page informational and data document is being drafted by NC-SARA and regional compact staff, in collaboration with SHEEO leadership and staff, to provide a clearer foundation for how SARA is administered and implemented in participating states and institutions, and to address the inaccuracies being perpetuated by specific negotiators. The draft document will be sent to the board ahead of the March negotiations for their feedback. Robust discussion regarding the data behind SARA critic claims during the February 2024 negotiated rulemaking sessions ensued, with the NC-SARA president noting that some data presented was not factual and noted that the relevant data is publicly available on the NC-SARA website. Strategy regarding stakeholder outreach ensued, with the NC-SARA president noting

that NC-SARA will continue to keep stakeholders informed through eblasts and will host a webinar to discuss negotiated rulemaking outcomes in March 2024. The president will inform the board of relevant stakeholder feedback in her weekly email updates and any public call to action will be sent to the board for their review and feedback ahead of being distributed. Alex Nock and Alysha Bold of Penn Hill Group were excused from the NC-SARA virtual board meeting.

Governance & Nominations Committee Discussion, Cont.

The NC-SARA president opened a discussion regarding technical changes to the SARA Policy Manual, noting that a proposal was submitted to the 2024 policy modification process that would address this topic. The submitted proposal states that repeated words, hyperlinks that need to be updated, technical changes, among other similar adjustments, would not need to be submitted and processed through the policy modification process. The board agreed that this discussion will be tabled until the board can consider this proposal once it has gone through the policy modification process and receives the support of the states and regional compacts to ensure transparency and continued collaboration with the states and regional compacts.

Regional Compact Presidents Update & Discussion

Brief regional updates were provided by the four regional compact presidents. The MHEC president noted that stakeholder feedback from their region was very positive regarding the NC-SARA mini-grant program. The WICHE president noted that their primary focus is collaborating with the NC-SARA board officers and relevant stakeholders regarding negotiated rulemaking and submitting proposals to the policy modification process. It was noted that while there is a high volume of proposals being submitted, the proposals are of much higher quality during this iteration of the process and that WICHE staff is working to create a notion board that will be available to all NC-SARA board members. The NC-SARA president noted that due to the proposals being more specific in nature, and certain proposals being submitted by one author rather than groupings of authors, there will be more opportunity for alignment between similar proposals during the amendment process.

The SREB president provided a regional update, noting that new staff has been hired to assist with SARA work in their region. The NEBHE president provided an update, noting that personalized letters are being sent to all institution leadership in SARA participating institutions in their region outlining the value of SARA to their states, institutions and students, and reiterating their commitment to transparency, open communication and consumer protections.

Deferred Discussion Items

The following agenda items have been deferred to the May 2024 board meeting for discussion by the full board. The vice chair tasked the board with a review of the current board membership matrix categories, asking the board to send their feedback and edits ahead of the May 2024 meeting.

- Board Membership Composition
- SARA Complaint Process

NC-SARA Presidents Report

The NC-SARA president noted that an electronic communication and survey will be sent following this meeting to determine the board's intention to hold a public portion during the May 2024 board meeting in Washington, DC. An update regarding the current progress of the 2024 SARA policy modification process, the plans for the SARA 10-year anniversary celebrations, and progress on the development of board management software will be sent electronically following this meeting.

Adjourn

The February 2024 NC-SARA board meeting was adjourned at 2:05 PM MT.

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