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<th>TAB</th>
<th>DESCRIPTION</th>
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<tr>
<td>1</td>
<td>AUDIT – UNIVERSITY OF IDAHO – FOUNDATION AGREEMENT</td>
<td>Motion to Approve</td>
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<td>2</td>
<td>Bahr – Boise State University – Multi-Year Contracts – Women’s Head Basketball Coach</td>
<td>Motion to Approve</td>
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<td>3</td>
<td>Bahr – Executive Officers – Employment Agreements</td>
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<td>4</td>
<td>Bahr – University of Idaho – Multi-Year Contracts – Swire Coca-Cola USA</td>
<td>Motion to Approve</td>
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<td>IRSA – Programs and Changes Approved by the Executive Director</td>
<td>Information Item</td>
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<td>6</td>
<td>IRSA – Higher Education Research Council Appointment</td>
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<td>7</td>
<td>PPGA – Lewis-Clark State College – Faculty Constitution</td>
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<td>PPGA – President Approved Alcohol Permits</td>
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<td>9</td>
<td>SDE – Professional Standards Commission Appointments</td>
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<td>10</td>
<td>SDE – Adoption of Computer Applications Curricular Materials</td>
<td>Motion to Approve</td>
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<td>11</td>
<td>SDE – Bias and Sensitivity Committee Appointments</td>
<td>Motion to Approve</td>
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UNIVERSITY OF IDAHO

SUBJECT
Approval of amended terms for Operating Agreement with the University of Idaho Foundation.

REFERENCE
October 2008  Idaho State Board of Education (Board) consideration and approval of Foundation agreements for Boise State University, Idaho State University and the University of Idaho.

August 2009  Board consideration and approval of amended Operating Agreement with University of Idaho Foundation.

June 2016  Audit Committee reviewed proposed amendment to Operating agreement and agreed to forward document to Board with recommendation to approve.

APPLICABLE STATUTE, RULE, OR POLICY
Idaho State Board of Education Governing Policies & Procedures, Section V.E. Gifts and Affiliated Foundations

BACKGROUND/DISCUSSION
The University of Idaho (UI) and the University of Idaho Foundation (Foundation) have been successfully operating under the Operating Agreement approved by the State Board of Education (Board) in August 2009, and effective as of August 31, 2009. At this time the Operating Agreement is before the Board for periodic review and approval in accordance with Board Policy V.E.2.c. The parties have taken this opportunity to update the Operating Agreement with minor revisions, described below. In addition, the Exhibits have all been updated to include the most recent version of the original Exhibit.

Document Revisions
a. Article VIII.E. regarding Board review of the Agreement is modified to provide that Board review will be as required by Board policy or as requested by the Board. This will allow for continued consistency between the Agreement and Board policy. The current policy states that the Agreement will be submitted to the Board for review and approval every three (3) years, or as otherwise requested by the Board.

b. The First Addendum to Operating Agreement between UI and the Foundation, entered into on August 31, 2009 is eliminated. This addendum addressed transition and timing issues related to transferring functions from UI to the Foundation in compliance with the Agreement. The transition is now complete making the First Addendum moot.
IMPACT

As anticipated in 2009, the parties have worked diligently to move functions from the UI to the Foundation. The parties now have split cash management functions, and currently the Foundation has eleven loaned employees who perform the functions transferred from UI to the Foundation.

UI does not anticipate a material financial impact on the UI or the Foundation. The proposed changes to the Agreement are minor and represent the continuation of current operations within current budgets.

UI will continue to monitor the efficacy of the operational structure and consider potential changes based on their experience. Any material changes will be presented to the Regents prior to implementation.

ATTACHMENTS

Attachment 1 – Operating Agreement and Addendum showing changes from prior approved draft. Page 3
Attachment 2 – Full Operating Agreement as amended with updated exhibits. Page 21

STAFF COMMENTS AND RECOMMENDATIONS

The proposed amendments to the Operating Agreement bring the document into alignment with current Board policy. There are no significant changes to the agreement terms previously approved by the Board during its 2009 review. The Audit Committee has reviewed the proposed amendments and has forwarded the agreement to the Board with a recommendation for approval. Staff recommends approval.

BOARD ACTION

I move to approve the agreement between the University of Idaho and the University of Idaho Foundation, as submitted in Attachment 2.

Moved by __________ Seconded by __________ Carried Yes _____ No ______
BOISE STATE UNIVERSITY

SUBJECT
Multi-year contract with Gordon Presnell, Women’s Head Basketball Coach

REFERENCE
- February 2011: Board approved a two year employment agreement with Women’s Head Basketball Coach Gordon Presnell
- December 2014: Board approved a two-year and three-month employment agreement with Women’s Head Basketball Coach Gordon Presnell

APPLICABLE STATUTE, RULE, OR POLICY
Idaho State Board of Education Governing Policies & Procedures, Section II.H.

BACKGROUND/DISCUSSION
Boise State University (BSU) is seeking a two-year and seven-month employment contract for the Head Women’s Basketball Coach (Coach). In December 2014, the State Board of Education (Board) approved a two-year and three-month employment extension contract with Gordon Presnell as the Women’s Head Basketball Coach. The contract included an automatic extension clause extending one year after each season the team reached eighteen (18) wins.

IMPACT
No state funds are used and these amounts are paid only from program revenue, media, donations and other non-appropriated funds. Terms are as follows:

Term:
Fixed term contract of two years and nine months, commencing on August 14, 2016 and terminating on March 31, 2019. The contract will be automatically extended by one additional year commencing on April 1 and concluding on March 31 for each season in which the team has at least 18 wins.

Base Compensation:
$220,000 per year with a one-time bonus payment of $3,875.

Pay for Performance – Academic:
Academic incentive pay may be earned if annual team APR ranks nationally within women’s basketball above the 50th percentile as follows:

National Rank (percentile) within Sport:
Pay for Performance – Athletic:
The greatest of the following:
- 11 conference wins: $2,000
- 12 conference wins: $3,000
- 13 conference wins: $4,000
- 14+ conference wins: $7,500
- Conference Regular Season Champions: $12,500

The greater of the following two:
- Conference Tournament Finalist: $3,000
- Conference Tournament Champions: $12,500

NCAA Tournament Appearance: $5,000 per game
WNIT Appearance: $3,000 per game
18 Wins: $6,000

Maximum potential annual compensation (base salary and incentive payments) is $298,500. In addition, the Coach may operate summer camps at BSU pursuant to the proposed agreement.

Buy-Out Provision: If the Coach terminates the agreement for convenience, the following liquidated damages will be due: $40,000 for the first year, $20,000 for the second year, or $10,000 for the third year.

The base pay in the employment agreement reflects a 12.93% increase over the Coach’s current base salary. The maximum proposed incentive pay for academic achievement is $12,500, which is equal to the incentive amount for winning the conference championship. The proposed employment agreement is in substantial conformance with the Board’s model contract and is similar to the standard issued by BSU for other coaches.

ATTACHMENTS
Attachment 1 – Proposed Contract Page 5
Attachment 3 – Redline from Model Page 19
Attachment 3 – Redline from Current Contract Page 36
Attachment 4 – APR Summary Page 51
Attachment 5 – Liquidated Damages Page 52
Attachment 6 – Salary and Incentive Chart Page 53
Attachment 7 – Max Compensation Calculation Page 57
STAFF COMMENTS AND RECOMMENDATIONS
Board Policy II.H. requires coach contracts with a term longer than three (3) years or with a total compensation amount of $200,000 or more be approved by the Board. The proposed employment agreement potential rolling duration exceeds three years and its total annual compensation amount exceeds $200,000 per year. The terms of the contract are aligned with Board policy and guidance and compare reasonably in terms of compensation level, bonus options, and liquidated damages provisions with those of Women’s Basketball programs at similar institutions. Staff recommends approval.

BOARD ACTION
I move to approve the request by Boise State University to enter into a two-year, nine-month employment agreement with Gordon Presnell, Head Women’s Basketball Coach, commencing on August 14, 2016 and terminating on March 31, 2019, at a base salary of $220,000 and supplemental compensation provisions, as submitted in Attachment 1.

Moved by___________ Seconded by___________ Carried Yes _____ No _____
SUBJECT
Chief Executive Officers Contracts

REFERENCE
May 2016
Board conducted performance evaluations for the chief executive officers of Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College.

June 2016
Board approved salaries for the chief executive officers of Boise State University, Idaho State University, University of Idaho, and Lewis-Clark State College.

BACKGROUND/DISCUSSION
The Board approved salaries for the chief executive officers of Boise State University, Idaho State University, University of Idaho, and Lewis-Clark State College at the June 2016 Board meeting. The proposed contracts incorporate those salaries into the applicable chief executive officers employment agreements, moves existing language regarding tax liability that is currently contained in two sections into a single section, and eliminates the language regarding the use of institutional vehicles, while maintaining the current language and level for a vehicle allowance. The removal of the provision regarding the use of an institution vehicle bring the contract into alignment with the state prohibition against using state owned or controlled vehicles for personal use and is consistent with the proposed amendments to Board policy regarding courtesy vehicles that will be considered at the August 2016 Board meeting.

IMPACT
Approval of the contracts incorporate amendments consistent with recent Board action and proposed policy amendments.

BOARD ACTION
I move to approve the amended employment agreement for Dr. Robert Kustra as President of Boise State University.

Moved by __________ Seconded by __________ Carried Yes ______ No ______

I move to approve the amended employment agreement for Dr. Chuck Staben as President of the University of Idaho.

Moved by __________ Seconded by __________ Carried Yes ______ No ______
I move to approve the amended employment agreement for Dr. Art Vailas, as President of Idaho State University.

Moved by __________ Seconded by __________ Carried Yes _____ No _____

I move to approve the amended employment agreement for Dr. Tony Fernandez as President of Lewis-Clark State College.

Moved by __________ Seconded by __________ Carried Yes _____ No _____
UNIVERSITY OF IDAHO

SUBJECT
Request approval for pouring and vending rights contract

APPLICABLE STATUTE, RULE, OR POLICY
Idaho State Board of Education Governing Policies & Procedures, Section V.I.3.

BACKGROUND/DISCUSSION
Request for Proposals No. 16-39M was issued, with two vendors responding. Based on proposals received, Swire Coca Cola USA (SCCUSA) was deemed the successful vendor, pending Idaho State Board of Education (Board) approval.

IMPACT
The initial contract term is five years. SCCUSA’s financial incentive is $177,000.00 per year for a combined five-year total of $885,000.00. Estimated vending commissions for the initial term is $65,500.00. Total value with estimated commission is $950,500.00.

ATTACHMENTS
Attachment 1 – Proposed Contract Page 3
Attachment 2 – SCCUSA’s Proposal Page 7
Attachment 3 – Request for Proposals No. 16-39M Page 29

STAFF COMMENTS AND RECOMMENDATIONS
Board Policy V.I.3. sets the dollar amount limits for contract approvals. Service contracts over $1,000,000 require Board approval. The potential total value of the contract over three possible five-year terms would exceed $1,000,000.00. Staff recommends approval.

BOARD ACTION
I move to approve the request by the University of Idaho to enter into a contract with Swire Coca Cola USA for pouring and vending rights in substantial conformance to the form presented to the Board in Attachment 1.

Moved by __________ Seconded by __________ Carried Yes _____ No ______
SUBJECT
Programs and Changes Approved by Executive Director - Quarterly Report

REFERENCE
April 2016 Board received quarterly report.

APPLICABLE STATUTE, RULE, OR POLICY
Idaho State Board of Education Governing Policies and Procedures, Section III.G.8.a., Postsecondary Program Approval and Discontinuance

BACKGROUND/DISCUSSION
In accordance with Board Policy III.G.3.c.i. and 4.b, prior to implementation the Executive Director may approve any new, modification, and/or discontinuation of academic or career-technical education programs, with a financial impact of less than $250,000 per fiscal year. Each institution has indicated that their respective program changes, provided in Attachment 1, fall within the threshold for approval by the Executive Director.

Consistent with Board Policy III.G.8.a., the Board office is providing a quarterly report of program changes from Idaho’s public institutions that were approved between April 2016 and July 2016 by the Executive Director.

ATTACHMENTS
Attachment 1 – List of Programs and Changes Approved by the Executive Director

BOARD ACTION
This item is for informational purposes only. Any action will be at the Board’s discretion.
SUBJECT
Higher Education Research Council Appointment

REFERENCE

December 2011  Board appointed Peter Midgley to the Higher Education Research Council for a three (3) year term.

May 2012  Board appointed Dr. David Hill to the Higher Education Research Council as the INL representative.

April 2013  Board appointed Bill Canon to the Higher Education Research Council for a three (3) year term.

August 2014  Board appointed Dr. Kelly Beierschmitt to the Higher Education Research Council as the INL representative, replacing Dr. Hill.

October 2014  Board appointed Dr. Robin Woods and reappointed Dr. Haven Baker to the Higher Education Research Council for a three (3) year term.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies and Procedures, Section III.W., Higher Education Research

BACKGROUND/DISCUSSION

The Higher Education Research Council (HERC) is responsible for implementing the Board's research policy (Board Policy III.W.) and provides guidance to Idaho’s four-year public institutions for a statewide collaborative effort to accomplish goals and objectives set forth in Board policy. HERC also provides direction for and oversees the use of research funding provided by the Legislature to promote research activities that will have a beneficial effect on the quality of education and the economy of the State.

HERC consists of the Vice Presidents of Research from Boise State University, Idaho State University, and the University of Idaho and a representative of Lewis-Clark State College; a representative of the Idaho National Laboratory (INL); and three (3) non-institutional representatives, with consideration of geographic, private industry involvement and other representation characteristics.

There is currently one HERC member up for re-appointment. This member serves as one of the industry partner representatives.

Mr. Bill Canon is the Director of Strategic Business Development at Valmark Interface Solutions (VIS) out of Livermore, California; he resides in Meridian, Idaho. Mr. Canon has been a very active and valuable member during his time on HERC. This would be Mr. Canon’s second term on the Council.
ATTACHMENTS
Attachment 1 – Current HERC Membership

STAFF COMMENTS AND RECOMMENDATIONS
Staff recommends approval.

BOARD ACTION
I move to re-appoint Mr. Bill Canon to the Higher Education Research Council for three (3) year terms effective immediately and expiring June 30, 2019.

Moved by__________ Seconded by___________ Carried Yes_____ No_____
LEWIS-CLARK STATE COLLEGE

SUBJECT
Lewis-Clark State College’s Faculty Constitution

REFERENCE
The Board approved changes to the Faculty Constitution addressing committee structure changes.

APPLICABLE STATUTE, RULE, OR POLICY
Idaho State Board of Education Governing Policies & Procedures, Section 1 Subsection S. Institutional Governance.
Lewis-Clark State College Policy 1.104 Constitution.

BACKGROUND/DISCUSSION
The Faculty of Lewis-Clark State College (LCSC) voted to remove from the Constitution, reference to specific committees, meeting schedules or Faculty Senate representation. The sections on General Provisions, Responsibilities of Faculty and Amendment of the Constitution are unchanged, and remain as last approved by the Board. References to committees, composition of the Senate and meeting schedules have been moved to a new LCSC Policy 1.104: Operational Guidelines for Faculty Governance, which by policy, does not require Board approval.

IMPACT
Removing such prescriptive and detailed information from the LCSC Faculty Constitution allows Faculty Senate flexibility in conducting its business, without the need to seek Board approval for minor changes.

ATTACHMENTS
Attachment 1 – Policy 1.104: Constitution

STAFF COMMENTS AND RECOMMENDATIONS
The proposed changes are compliant with Board policy. Staff recommends approval.

BOARD ACTION
I move to approve the proposed changes to the Lewis-Clark State College Faculty Constitution as set forth in the materials submitted to the Board in Attachment 1.

Moved by __________ Seconded by __________ Carried Yes _____ No ______
SUBJECT
President Approved Alcohol Permits Report

APPLICABLE STATUTE, RULE, OR POLICY

BACKGROUND/DISCUSSION
The chief executive officer of each institution may waive the prohibition against possession or consumption of alcoholic beverages only as permitted by, and in compliance with, Board policy. Immediately upon issuance of an Alcohol Beverage Permit, a complete copy of the application and the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board no later than the next Board meeting.

The last update presented to the Board was at the June 2016 Board meeting. Since that meeting, Board staff has received seventeen (17) permits from Boise State University, three (3) permits from Idaho State University, and thirteen (13) permits from the University of Idaho.

Board staff has prepared a brief listing of the permits issued for use. The list is attached for the Board’s review.

ATTACHMENTS
Attachment 1 - List of Approved Permits by Institution

BOARD ACTION
This item is for informational purposes only. Any action will be at the Board’s discretion.
SUBJECT  
Appointment to the Professional Standards Commission (PSC)

REFERENCE  
August 2015  Board approved one appointment to the Professional Standards Commission.
April 2016  Board requested changes to the recommendation for appointments to the Professional Standards Commission to reflect a more diverse geographical representation of the state.
June 2016  Board approved six appointments and two re-appointments to the Professional Standards Commission and discussed changing practices and reaching out to broader communities when filling openings on the Commission in order to assure more equal representation and diversity of the members.

APPLICABLE STATUTE, RULE, OR POLICY  
Section 33-1252, Idaho Code

BACKGROUND/DISCUSSION  
Section 33-1252, Idaho Code sets forth criteria for membership of the Professional Standards Commission (PSC). The PSC consists of eighteen (18) members, one (1) from the State Department of Education (SDE) and one (1) from the Division of Career Technical Education (CTE). The remaining members shall be representative of the teaching profession of the state of Idaho, and not less than seven (7) members shall be certificated classroom teachers in the public school system and shall include at least one (1) teacher of exceptional children and at least one (1) teacher in pupil personnel services. The Idaho Association of School Superintendents, the Idaho Association of Secondary School Principals, the Idaho Association of Elementary School Principals, the Idaho School Boards Association, the Idaho Association of Special Education Administrators, the education departments of private colleges, and the colleges of letters and sciences of the institutions of higher education may submit nominees for one (1) position each. The community colleges and the education departments of the public institutions of higher education may submit nominees for two (2) positions.

Nominations were sought for the open position from the Idaho School Superintendents Association. Resumes for interested individuals listed below are included in the attachments.

School Superintendents:  
Trina Caudle, Coeur d’Alene School District  
Nicole MacTavish, Nampa School District  
Marjean McConnell, Bonneville Joint School District
STAFF COMMENTS AND RECOMMENDATIONS

At the June 2016 Board meeting it was determined that the Department would amend its practices when filling positions on the Professional Standards Commission. The new practice would be to reach out not only to the identified stakeholder groups, but to also reach out to other education community groups to allow individuals who are not connected to the standard communications the opportunity to apply or submit nominations for open positions. Specifically, it was discussed that there was a need for educators who work with our underserved populations to have the opportunity to serve on the community, including our American Indian educators. The Board’s Indian Education Committee expressed an interested in nominating individual educators to the Commission if notified of openings.

BOARD ACTION

I move to appoint Marjean McConnell as a member of the Professional Standards Commission for the remainder of the three-year term which began July 1, 2014, and will end June 30, 2017, representing School Superintendents in Idaho.

Moved by __________ Seconded by __________ Carried: Yes ____ No ____
CONSENT AGENDA
AUGUST 11, 2016

SUBJECT
Adoption of Computer Applications curricular materials and related instructional materials as recommended by the Curricular Materials Selection Committee.

REFERENCE
August 2014 Board approved the Computer Applications Curricular Review.
August 2015 Board approved the Computer Applications Curricular Review.

APPLICABLE STATUTE, RULE, OR POLICY
Section 33-118, 33-118A, Idaho Code
IDAPA 08.02.03.128 – Rules Governing Thoroughness

BACKGROUND/DISCUSSION
The Administrative Rules of the State Board of Education, IDAPA 08.02.03.128, describes the adoption process for curricular materials as an adoption cycle of six (6) years. Curricular materials are defined as “textbook and instructional media including software, audio/visual media and internet resources" (Section 33-118A, Idaho Code). Idaho is a multiple adoption state which means Idaho recommends multiple titles from multiple publishers in a specific content area. The Curricular Materials Selection Committee (CMSC) is charged with the responsibility to screen, evaluate, and recommend curricular materials for adoption by the State Board of Education.

For 2016, the annual adoption clause allows for submissions in the subject area of K-12 Computer Applications. This year the curricular materials review was held on June 17, 2016. Ten (10) content area specialists assisted the six (6) selection committee members in the evaluation of the curricular materials.

IMPACT
The adoption process in Idaho provides for the continuous review and evaluation of new curricular materials. This process ensures that Idaho schools have quality products available to purchase at a guaranteed low price, and equal availability to all Idaho school districts. This process maintains local control in the choice of instructional materials by providing multiple lists of approved materials. The adoption process also provides, through a contract with each publisher, a contract price that is good for the length of the adoption cycle. This ensures quality for each school district and allows for the best materials at the lowest possible price for Idaho’s schools.

ATTACHMENTS
Attachment 1 – 2016 Curricular Materials Recommendations Document Page 3
STAFF COMMENTS AND RECOMMENDATIONS
Staff recommends approval.

BOARD ACTION
I move to approve the adoption of the Computer Applications curricular materials and related instructional materials recommended by the Curricular Materials Selection Committee as submitted in Attachment 1.

Moved by __________ Seconded by __________ Carried Yes _____ No _____
SUBJECT
Appointments to the Bias and Sensitivity Committee

REFERENCE

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<td>November 2014</td>
<td>Board appointed thirty (30) committee members for terms of either two (2) years or four (4) years. A list of ninety (90) members was appointed to do a one-time review. A list of sixty-three (63) alternates was also approved to replace one of the original thirty (30), if needed.</td>
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<tr>
<td>February 2015</td>
<td>Board approved to eliminate an audio clip and a test question from the ISAT assessments upon the recommendation from the Bias and Sensitivity Committee.</td>
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APPLICABLE STATUTE, RULE, OR POLICY
Section 33-134, Idaho Code - Assessment Item Review Committee

BACKGROUND/DISCUSSION
In accordance with Section 33-134, Idaho Code, the State Department of Education recommended and the State Board of Education appointed a review committee to ensure that parents, teachers, administrators, and school board members in Idaho's public education system have the opportunity to review the types and kinds of questions used on state assessments. The law requires a committee of thirty (30) individuals in each of the six (6) educational regions in the state. Each region is represented by two (2) parents, one (1) teacher, one (1) school board member, and one (1) public or charter school administrator. Committee members shall serve a term of four (4) years.

This committee is to review all summative computer adaptive test questions for bias and sensitivity. The committee is authorized to make recommendations to revise or eliminate computer adaptive test questions from the Idaho Standards Assessment Test in English Language Arts/Literacy and Mathematics.

In November 2015, the Department held a two-day meeting with the Bias and Sensitivity Committee to review 360 English language arts and mathematics items, of which several were recommended to be removed. Some individuals were asked to serve in place of Board-approved members unable to attend at the last moment. Because these individuals were not appointed by the Board as required, the committee’s recommendations could not be forwarded to the Board for consideration.

The Department is recommending the approval of new members for the open positions on the committee. These individuals are listed in Attachment 2.
STAFF COMMENTS AND RECOMMENDATIONS

Pursuant to Section 33-134, Idaho Code, the Bias and Sensitivity Committee is charged with reviewing any new test items that have been added to any summative computer adaptive test, this includes the Idaho Standards Achievement Test for English Language Usage and Mathematics. Following the review process the committee may make recommendations to the Board for removal of any test questions that the committee determines may be bias or unfair to any group of test takes, regardless of differences in characteristics, including, but not limited to disability status, ethnic group, gender, regional background, native language or socioeconomic status.

While the initial appointments to the committee were for either a two or four year term, with ongoing appointments of four year terms, the Department found that many of the original committee members were either not available or not interested in participating in an additional round of assessment question reviews. In addition to new appointments for expired term or individuals who no longer wish to serve, the Department is requesting the Board appoint a list of alternate committee members that could be drawn from if the sitting committee member is unavailable for the review process in a given year, and still wants to serve on the committee. Seats for members that no longer wish to serve and resign from the committee during their term would still need to come to the Board for consideration of new appointments.

BOARD ACTION

I move to appoint the new members to the Bias and Sensitivity Committee as presented in Attachment 2.

Moved by __________ Seconded by __________ Carried Yes _____ No _____

I move to appoint the alternate members to the Bias and Sensitivity Committee, to serve during the review process for a given year if the appointed member representing the same group is unavailable to participate in the review during that year, as presented in Attachment 3.

Moved by __________ Seconded by __________ Carried Yes _____ No _____