

**BUSINESS AFFAIRS AND HUMAN RESOURCES  
OCTOBER 18-19, 2023**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>BOARD POLICY II.P. GENERAL POLICIES AND PROCEDURES – ALL EMPLOYEES – SECOND READING</b>	Action Item
<b>2</b>	<b>BOARD POLICY V.K. – CONSTRUCTION PROJECTS- SECOND READING</b>	Action Item
<b>3</b>	<b>BAHR COMMITTEE PRIORITIES AND INITIATIVES</b>	Action Item

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**SUBJECT**

Idaho State Board of Education (Board) Policy Section II.P. Human Resources Policies and Procedures - General Policies and Procedures – All Employees – First Reading

**REFERENCE**

October 2011	Board approved first reading Board Policies II. A., C., F., G., H. and P.
December 2011	Board approved second reading Board Policies II. A., C., F., G., H. and P.
April 2023	Board approved resolution titled: Prohibiting Use of Diversity Statements in Hiring and Promoting an Environment of Belonging for All Students at Public Postsecondary Institutions, and directed staff to develop a proposed amendment to Board Policy codifying the principles of the resolution and bring the amendment forward no later than the August 2023 Board meeting.
August 2023	Board approved first reading Policy Section II.P. Human Resources Policies and Procedures - General Policies and Procedures – All Employees

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section II.P.

**BACKGROUND/DISCUSSION**

Board Policy II.P. outlines the General Policies and Procedures applicable to all employees.

At the April 2023 Board Meeting, the Board directed staff to bring an amendment to Board Policy regarding Diversity, Equity, and Inclusion statements for review not later than the August 2023 Board Meeting. Proposed amendments to the policy will add a new subsection under Section II.P.5 – Miscellaneous Policies and Procedures. The new subsection h. mirrors the language of the Board’s resolution.

**IMPACT**

Approval of the proposed Board Policy amendment would prohibit the use of diversity statements in hiring practices. It also reaffirms the Board’s goal to continue to create and nurture a safe, welcoming, and dynamic learning environment of belonging for all students.

**ATTACHMENTS**

Attachment 1 – Proposed policy amendment to Board Policy Section II.P. General Policies and Procedures – All Employees – Second Reading

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**STAFF COMMENTS AND RECOMMENDATIONS**

This proposed policy amendment fulfills the Board's direction to staff to develop a proposed amendment to Board Policy codifying the principles of the April 2023 resolution Prohibiting Use of Diversity Statements in Hiring and Promoting an Environment of Belonging for All Students at Public Postsecondary Institutions. A draft of this new amendment has been vetted through the BAHR Committee at its August 9, 2023 meeting and the Board approved the first reading of the proposed amendment of II.P. at its August 23, 2023 meeting.

There have been no changes between the first reading of the proposed amendments to II.P. to the second reading.

Staff recommends approval.

**BOARD ACTION**

I move to approve the second reading of proposed amendments to Policy II.P. as provided in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**Idaho State Board of Education****GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****SUBSECTION: P. General Policies and Procedures – All Employees**~~December-October~~~~2014~~2023

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## 1. Nondiscrimination Policy

It is the policy of the Board that the institutions or agency under its governance provide equal employment opportunities to applicants for employment and equal benefits to employees without regard to race, color, national origin, religion, sex, age, disability, or veteran's status in accordance with applicable state and federal laws.

## 2. Equal Employment Opportunity

The policy of the Board is to pursue a continuing program of specific positive practices designed to achieve the realization of equal employment opportunity without regard to race, color, national origin, religion, sex, age, disability, or veteran's status in accordance with applicable state and federal laws.

To implement this policy, the Board directs the chief executive officers of its institutions or agencies to:

- a. Recruit, hire, train, and promote persons without discrimination in accordance with applicable state and federal laws and the governing policies of the Board;
- b. Make decisions on employment so as to further the principle of equal employment opportunity;
- c. Ensure that promotion decisions are in accordance with the principles of equal employment opportunity; and
- d. Ensure that all personnel actions affecting such matters as compensation, benefits, transfer, termination, layoff, return from layoff, sponsored training, education, and social and recreational programs are administered without discrimination.

Each chief executive officer or his or her designee is specifically responsible for ensuring that there are no obstacles to equal employment opportunity by establishing a program of affirmative action, ensuring internal adherence to such a program, and evaluating its progress.

## 3. Sexual Harassment Policy

It is the policy of the Board that no employee should be subject to illegal sexual harassment. Each institution and agency must establish and maintain policies prohibiting sexual harassment and an internal process for investigating allegations of sexual harassment and addressing and remedying violations of applicable law and policies prohibiting sexual harassment.

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## 4. Personnel Files

## a. Employee Files

Each institution and agency must maintain for each employee a personnel file, which is open for examination by the employee in accordance with the provisions of the Idaho public records act, Idaho Code 9-337 et seq., and other applicable law.

- i. The employee may, pursuant to the Idaho public records act, request in writing an amendment of any record pertaining to that employee. Within ten days of the receipt of the request, the custodian of the files will make any correction of any portion of the file which the employee establishes is inaccurate, irrelevant, or incomplete; or inform the employee in writing of the refusal to amend the record(s) in accordance with the request and the reasons for the refusal, as set forth in the Idaho public records act.
- ii. In accordance with the Idaho public records act and other applicable law, an employee may obtain copies of materials in his or her personnel file.

## b. Personnel Records Exempt From Disclosure

Each institution and agency will comply with the provisions of the Idaho public records act and other applicable law concerning the maintenance, disclosure and confidentiality of personnel records and information.

## c. File Maintenance and Retention

- i. Each institution and agency must maintain personnel files under such conditions as are necessary to ensure the integrity and safekeeping of the file and may establish additional policies and procedures for the maintenance of personnel files consistent with the Idaho public records act and other applicable law.
- ii. Any personnel files related to and involving legal action must be retained through any time period in which legal action may be taken.
- iii. Personnel files must be retained for a minimum of three (3) years following severance of an employment relationship with an institution or agency. A summary record of employment relationships must be kept indefinitely.

## 5. Miscellaneous Policies and Procedures

## a. Political Activities of Employees

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Employees retain unimpaired all of their individual and political rights of citizenship. However, employees may not exercise those political rights in the name of any institution or agency, or through the use of Board facilities, or through the use of forms or official stationery or in any way that might involve an institution or agency in partisan political activity or controversy.

- i. The Board or any of its members, agents, representatives, or employees must not prevent, threaten, harass, or discriminate against any employee who chooses to run for public office.
  - ii. Employees are permitted to campaign freely in a manner that does not violate Board Governing Policies and Procedures or applicable provisions of the Idaho Code.
  - iii. Employees may choose to request a leave without compensation in order to campaign for elective office or to serve in an elective office by using the procedures established at an institution or agency in addition to these policies and procedures.
- b. Loyalty Oaths
- No loyalty oath shall be required of any Board employee.
- c. Outside Employment

The maintenance of a high standard of honesty, impartiality, and conduct by Board employees is essential to ensure the proper performance of its business and to strengthen the faith and confidence of the people of the State of Idaho in the integrity of state employees. The Board recognizes that employees may engage in outside employment of a professional or personal nature, directly related to the professional or other competencies of the employee. However, no employee may undertake outside employment that interferes with the employee's assigned duties to the Board or the agency. In all outside employment, the outside employer must be informed that the employee is acting in a private capacity and that the institution or agency is in no way a party to the outside employment, and is not liable or responsible for the performance thereof.

- d. Other Services to the Institution or Agency.

An employee may be requested by the Chief Executive Officer or his or her designee to perform responsibilities or provide services beyond the primary scope of his or her appointment.

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Each institution and agency must establish policies and procedures that do not conflict with policies and procedures of the Board regarding additional responsibilities or services.

Payment in addition to regular salaries must be authorized by the Chief Executive Officer.

#### h. Diversity, Equity, and Inclusion

Institutions shall create a welcoming and dynamic learning environment of belonging by administrators, faculty, and staff who are invested in the success of every student. Hiring decisions, however, shall not be conditioned on a requirement that applicants submit a written diversity statement.

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**SUBJECT**

Idaho State Board of Education (Board) Policy Section V.K. Construction Projects  
– Second Reading

**REFERENCE**

April 2014	The Idaho State Board of Education (Board) approved first reading of proposed amendments to policy V.K.
June 2014	Board approved second reading of proposed amendments to policy V.K.
June 2015	Board approved first reading of proposed amendments to policy V.K.
August 2015	Board approved second reading of proposed amendments to policy V.K.
August 2023	Board approved first reading of proposed amendments to policy V.K.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section V.K

**BACKGROUND/DISCUSSION**

Board Policy V.K. outlines the authority limits for institutions when undertaking construction projects. Proposed changes include increases to approval limits as well as providing needed definitions and clarifications regarding the approval process.

Proposed increase approval limits include:

Approval limits of Original Project Costs:

- Increase Local Agency approval limits from \$500,000 to \$1 million.
- Increase Executive Director approval limits from \$500,000 - \$1 million to \$1 - \$2 million;
- Board approval is required for transactions over \$2 million.

Approval limits for Cumulative Value of Change(s) of Aggregate Revised Project Costs for Projects Originally Authorized by Local Agency:

- Increase Local Agency approval limits from \$500,000 to \$1 million.
- Increase Executive Director approval limits from \$500,000 - \$1 million to \$1 - \$2 million;
- Board approval is required for transactions over \$2 million.

Approval limits for Cumulative Value of Change(s) of Aggregate Revised Project Cost for Projects Originally Authorized by Executive Director:

- Increase Local Agency approval limits from \$500,000 - \$1 million to \$1 - \$2 million;
- Board approval is required for transactions over \$2 million.



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Approval limits for Cumulative Value of Change(s) of Aggregate Revised Project Cost for Projects Originally Authorized by State Board of Education (SBOE):

- Increase Local Agency approval limits from \$500,000 to \$1 million.
- Increase Executive Director approval limits from \$500,000 - \$1 million to \$1 - \$2 million;
- Board approval is required for transactions over \$2 million.

Proposed changes also include a requirement that design-build projects include a preliminary project budget and financing plan to be submitted when an institution requires approval to utilize the design-build method.

Proposed changes also require that if a project budget increases above the total Board or executive director authorized amount by 5% or more, then the institution will be required to request further authorization.

**IMPACT**

Approval of the proposed amendments would provide updated guidelines and increase approval limits to higher, more suitable contemporary pricing thresholds.

**ATTACHMENTS**

Attachment 1 – Proposed Policy Amendment V.K. Construction Projects – Second Reading

**STAFF COMMENTS AND RECOMMENDATIONS**

The changes primarily consist of increasing delegated authority approval limits authorized by a Local Agency or the Board’s executive director. These higher limits pertain to Original Project Costs, Cumulative Value of Change(s), and Aggregate Revised Project Costs. Increasing these limits appropriately reflects changes in the construction industry over the past eight (8) years. The previous revision of this policy dates back to August 2015.

The modifications to this policy were vetted through the BAHR Committee at its August 9, 2023 meeting and the Board approved the first reading of the proposed updates at its August 23, 2023 meeting.

There have been no changes between the first reading of the proposed amendments to V.K. to the second reading.

Staff recommends approval.

**BOARD ACTION**

I move to approve the second reading of proposed amendments to Policy V.K. as provided in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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1. Authorization Limits

~~Without regard to the source of funding, b~~Before any institution or agency under the governance of the Board begins to make capital improvements, either in the form of alteration and repair to existing facilities or construction of new facilities, it must be authorized based on the limits listed below. “Alteration” means a limited construction project for an existing facility that comprises the modification or replacement of one or a number of existing building systems or components. “Repair” means work that corrects deterioration or damage to a facility or to existing building systems or components in order to restore it to its condition prior to the deterioration or damage.

Projects requiring executive director or Board approval must include a project budget detailing the estimated project costs, including costs separate budget line for architects, engineers, ~~or and~~ construction managers and engineering services ~~for the project cost~~. Alteration and repair projects funded entirely by an appropriation through the permanent building fund are approved through the Board’s annual approval of an institution’s or agency’s operating budget and do not require separate approval under this policy, except as may be required under Paragraph 5.

Project Originally Authorized By	Original Project Cost	Cumulative Value of Change(s)	Aggregate Revised Project Cost	Change Authorized By
Local Agency	< <del>\$500,000</del> <u>1 million</u>	Any	< <del>\$500,000</del> <u>1 million</u>	Local Agency
Local Agency	< <del>\$500,000</del> <u>1 million</u>	Any	<del>\$500,000-</del> <u>\$1,000,000</u> <u>1 - 2 million</u>	Executive Director
Local Agency	< <del>\$500,000</del> <u>1 million</u>	Any	> <del>\$1,000,000</del> <u>2 million</u>	SBOE
Executive Director	<del>\$500,000</del> <u>1 - 1,000,000</u> <u>2 million</u>	<= <del>\$500,000</del> <u>1 million</u>	<= <del>\$42,000,000</del> <u>million</u>	Local Agency
Executive Director	<del>\$500,000-</del> <u>\$1,000,000</u> <u>1 - 2 million</u>	Any	> <del>\$42,000,000</del> <u>million,000,000</u>	SBOE
SBOE	> <del>\$42,000,000</del> <u>million</u>	< <del>\$500,000</del> <u>1 million</u>	Any	Local Agency
SBOE	> <del>\$42,000,000</del> <u>million</u>	<del>\$500,000</del> <u>1-\$2 million</u> <u>4,000,000</u>	Any	Executive Director
SBOE	> <del>\$1,000,000</del> <u>2 million</u>	> <del>\$1,000,000</del> <u>2 million</u>	Any	SBOE

2. Major Projects - Capital Construction Plans

a. Institutions and agencies under the governance of the Board wishing to undertake construction projects involving construction of new facilities or significant, long-term renewal improvements to existing facilities ~~capital construction projects~~ shall submit annually to the Board for its approval a six-year capital construction plan (the “Plan”). The Plan shall span six fiscal years going forward starting at the fiscal year next. The Plan shall include only capital construction projects for which the

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total cost is estimated to exceed ~~one-two~~ million dollars (\$~~12~~,000,000) ("~~Major Projects~~"), without regard to the source of funding (~~hereinafter, "major projects"~~). ~~Alteration and repair to existing facilities are not required to be included on the Plan but such projects shall be reported to the Board when undertaken.~~ Inclusion on the Plan ~~A Plan~~ shall constitute notice to the Board that an institution or agency may bring a request at a later date for Board approval of one or more of the projects included in its approved Plan. Board approval of a Plan shall not constitute approval of a project included in the Plan.

- b. ~~Before any institution or agency under the governance of the Board solicits, accepts or commits a gift or grant in support of a specific major project, such project must first be included on the institution's or agency's Board-approved six-year Plan.~~

~~c.~~ If a ~~major~~ Major project ~~Project~~ is not included in a Plan and an institution or agency under the governance of the Board desires to obtain approval of the ~~major~~ Major p ~~Project~~, before seeking approval, it shall first bring an amended ~~plan~~ Plan to the Board for approval at a regularly scheduled meeting of the Board. If a potential donor offers an unsolicited gift to an institution or its affiliated foundation in support of a ~~major~~ Major project ~~Project~~ which is not in an institution's or agency's Plan, prior to acceptance of the gift, the institution or agency shall notify the Board's executive director in writing of the offer, which notice shall include ~~an explanation and justification for the exigency;~~ a detailed statement of purpose and fiscal impact; ~~and~~ a summary of the terms and conditions of the gift. This notice shall also certify to the executive director that the donor understands and acknowledges that construction of the ~~major~~ Major project ~~Project~~ is subject to the review and approval of the Board.

## 3. Major Projects Approval Process - Design-Bid-Build Projects

- a. Planning and Design

Board approval is required before any institution or agency begins planning and design on a ~~major~~ Major p ~~Project~~ carried out under the traditional "design-bid-build" method. For design-bid-build projects, planning and design encompasses the preparation of architectural and engineering documents and associated budget and schedule information through the completion of the construction documents for bidding. ~~This approval may not be requested concurrently with any other step in the major project approval process.~~ As part of the Board's approval process for planning and design, the ~~Board may request the~~ institution or agency ~~to~~ may submit a preliminary project budget and financing plan (including pro forma financials, debt/operating expenses ratios, pledges, strategic facilities fees, and other material financial information).

- b. ~~Major Project Approval Process~~—Project Budget and Financing Plan

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Board approval of a project budget and financing plan (including pro forma financials, debt/operating expenses ratios, pledges, strategic facilities fees, and other material financial information) is required for a ~~major design-bid-build Major project~~ Project. This approval may be requested only after completion of the design and planning process ~~and but~~ may be requested concurrently with approval for construction financing.

c. ~~Major Project Approval Process~~—Construction

Board approval is required to proceed with the construction of a ~~major~~ Major pProject. In order to obtain Board approval for construction of a ~~major~~ Major pProject, the Board must approve the project budget and financing plan. ~~This Construction~~ approval may be requested concurrently with approval of the project's budget and financing plan.

d. ~~Major Project Approval Process—Final Approval~~—Financing and Incurrence of Debt

Board approval for the financing capital of m~~Major projects~~ Projects via the issuance of bonds, or incurrence of any other indebtedness, is required pursuant to Board policy V.F. ~~for a project that has previously received approval for construction. (All other projects financed entirely without indebtedness do not need separate approval for financing.) The Board will not consider concurrent requests for approval for construction and debt financing for the same project. Therefore, institutions seeking approval for project debt financing must bring a request for said approval to a Board meeting subsequent to the meeting at which project construction is approved. This approval may be requested concurrently with approval of the project's budget and financing plan and construction approval.~~

4. ~~Major Projects Approval Process~~ - Design-Build Projects

Although design ~~and~~ build projects are performed by one team, design-build contracts can also allow a series of options to proceed (or not) after completion of the at the design phase and before at the construction phase. For design-build m~~Major p~~Projects, Board approval shall be required prior to issuance of a design-build solicitation, including approval to utilize the design-build method. The approval process for major projects using a design-build contract shall be the same as the approval process required for a design-bid-build contract. ~~Board approval shall first be required to undertake the design and planning phase, including selection of the design-build team.~~ For purposes of such approval, ~~the Board may request a preliminary project budget and financing plan shall be submitted.~~ No additional approval shall be required unless the preliminary budget and financing plan is exceeded. Approval of debt issuance as part of the financing plan is required as provided in Policy V.F. ~~This approval may not be obtained concurrently with subsequent required approvals. Once the design-build team completes the design and construction cost estimates, the institution or agency must then obtain Board~~

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~~approval of the project budget and financing plan and of construction of the project. If debt financing is needed, the institution or agency must submit a request for approval at a subsequent meeting of the Board in the manner set forth in paragraph 3.d., above. An institution may seek approval from the permanent building fund advisory council for use of design-build delivery method prior to or following Board approval, as long as both agencies approve, if required, prior to issuance of a bid.~~

## 5. Fiscal Revisions to Previously Approved Projects

If a project budget increases above the total Board or executive director-authorized amount by ~~the lesser of 5% or more or \$500,000~~, then the institution or agency shall be required to seek further authorization based on the limits established in paragraph 1, above. Regardless of the authorization level required, the institution shall provide the Board with the amount and reason(s) for the cost overruns and the source of funds.

6. ~~Projects through the Department of Administration;~~ Project Acceptance

Projects under the supervision of the Department of Administration are accepted by the Department on behalf of the Board and the ~~state~~State of Idaho and all contracts and acquisition of goods and services are acquired through the Department of Administration as applicable. Projects conducted through the Department of Administration shall not require approval other than as required under this Policy V.K. Projects under the supervision of an institution or agency are accepted on behalf of the Board and the State of Idaho by the institution or agency and the project architect. Projects under the supervision of the University of Idaho are accepted by the University on behalf of the Board of Regents.

## 7. Statute and Code Compliance

- a. All projects must be in compliance with Section 504 of the Rehabilitation Act of 1973 and must provide access to all persons. All projects must be in compliance with applicable state and local building and life-safety codes as provided in Chapter 41, Title 39, and applicable local land-use regulations ~~as provided in Chapter 41, Title 39, and as provided in~~ Section 67-6528, Idaho Code.

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- b. In designing and implementing construction projects, due consideration must be given to energy conservation and long-term maintenance and operation savings versus short-term capital costs.

**8. Campus Master Plans**

Each institution shall develop a seven (7) to fifteen (15) year Campus Master Plan (CMP). The CMP shall serve as a planning framework to guide the orderly and strategic growth and physical development of an institution's campus. The CMP shall be consistent with and support the institution's current mission, core themes, ~~and~~ strategic plan, and six-year capital construction plan. The CMP and substantive updates thereto must be approved by the Board.

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**SUBJECT**

BAHR Committee Initiatives and Priorities – 2023-2024

**REFERENCE**

October 21, 2020	Idaho State Board of Education (Board) received update on IRSA Committee Initiatives.
December 17, 2020	Board received update on PPGA and BAHR Committee Initiatives

**BACKGROUND/DISCUSSION**

Board bylaws establish three standing committees: Business Affairs and Human Resources (BAHR), Instruction, Research and Student Affairs (IRSA), and Planning, Policy, and Government Affairs (PPGA). In the fall of 2020, each committee established long term initiatives and priorities. The Board committees have been asked to review and update their initiatives and priorities to ensure continued alignment with Governor Little’s education priorities as well as the Board’s strategic plan.

Updating these key objectives will help the Committee clearly understand its direction and maintain momentum in achieving strategic priorities of the Board for 2023-2024.

Over the past few months, the BAHR Committee Chair has worked collaboratively with Board staff to develop these priorities for the next fiscal year accompanied with well-defined anticipated outcomes. This will provide higher-level guidance in addition to the primary responsibilities of the BAHR Committee.

**IMPACT**

These strategic priorities and initiatives will provide a deliberate framework of what the BAHR Committee is strategically focused on and provide the Board with an opportunity to give input on priority areas.

**ATTACHMENTS**

Attachment 1 – Business Affairs and Human Resources Committee Initiatives and Priorities

**STAFF COMMENTS AND RECOMMENDATIONS**

In order to move to a more strategic approach, on September 7, 2023, the BAHR Committee Initiatives and Priorities were discussed and reviewed by the BAHR Chair and Board staff to set the two primary initiatives delineated in Attachment 1. The initiatives will focus the BAHR committee’s direction for both the short and long term and provide context for agenda items that will be presented to the Board. While this document is one that can be adjusted and continuously improved upon, the desired outcomes will result in foundational groundwork for the strategic work being undertaken by the committee. This information was shared and considered with the BAHR Committee on October 4, 2023. Staff recommends approval.

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**BOARD ACTION**

I move to approve the BAHR Committee Initiatives and Priorities for 2023-2024 as submitted in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



# 2023-24 BAHR Priorities & Initiatives

## 1. Oversight of Institutions' Business Models

**Summary:** Understanding how enrollment trends, student interest and market needs affect financial projections for institutions' business models would enable the Board to provide better guidance on strategic initiatives and long-term planning.

**Anticipated outcomes:**

- Create a framework for tuition and fee requests
- Inform annual budget requests to the state
- Fortify the Board's role in institutional planning
- Provide context for engaging institutions around strategic planning
- Identify and operationalize system-like efficiencies through consolidation/collaboration
- Diversify and maximize sources of revenue, manage expenses, and minimize tuition impact to students
- Create budget-to-actual comparison reports itemized by major revenue and expenditure categories, with a focus on major variances

## 2. Maintain Appropriate Governance Structures

**Summary:** The Board's governance role of institutions includes that of a fiduciary. Oversight will necessarily need to strike a balance between strategic priorities and transactional approvals.

**Anticipated outcomes:**

- Maintain appropriate level of check and balances, while also allowing for appropriate levels of transactional delegated authority.
- Establish regular cadence of proactive maintenance and review of governing finance and HR policies in light of changes in culture, statute or regulatory environment.