

2020 REP Session 3

We start.

Doing this live.

Good morning.

Hey, good morning. How are you?

Good morning. How are you?

Everybody looks good.

I figured that President Joe and Chancellor Johnson would be in a tie, but I've been attending to animals this morning. So all you're going to see is the upper part of the body, not the --

[Laughter]

You look good with your sweater.

That's good. That's good. It's a new sweater.

So Joe is it is raining and sleet in Norman?

It is doing all of those things and windy just to sort of add to the trifecta.

Hey good victory for both teams on Saturday.

It was.

Good Oklahoma [inaudible] day.

I know. We needed one of those.

Yeah. Morning, Pat.

Good morning.

Morning, Pat.

So Pat are you at home or in your downtown office?

No, we're all downtown.

How was your drive in this morning?

About this, it was a little slower but it's been very nice actually since February.

[Laughter]

There we go. Well, we drove down to Dallas this weekend and it was a traffic jam. I mean --

Oh, I'm in.

-- the construction not far from where Joe is in Purcell and on down that area, that was a -- well yesterday was a huge backup.

Morning, Tom?

Good morning. Good morning, everybody.

How are you doing?

Hey, Tom.

Chancellor, it looks like we are still missing -- President Hargis has not signed on yet.

I think he took his announcement last Friday seriously.

[Laughter]

He may have decided to start eight months early.

Early retirement.

When he said July 1, I think he meant sort of mid-October.

He may have connections in Palm Springs. I don't know. The internet in Palm Springs.

He said, "I'm out of here."

By the way, Brent, that was a great rollout. Good job on that.

Well, everyone, it was terrific. So thank you. But it was a team effort. A lot more people involved.

Really good job for a very --

He really appreciated your statement. I had to call McKenzie to let her know that was very thoughtful of you, as well as you Chancellor.

Oh, I love him. He's a good man.

That's right. He did catch the fact you inserted OU College of Law.

Come on, you knew it was going to happen, right? Because I saw Brent in your initial release that it only had his undergraduate degree.

That was not my intention. That was not my --

I was like, Brent made a mistake and I got to clean up after him.

Hey, I appreciate that. We call that pooper scooping and that's great. I need all the help I can get. I'll take it [laughs].

I just felt like it was -- I knew it was accidental from the LSU team, so I wanted to kind of just help out.

Hey, we appreciate it.

Just a reminder, we're live right now while we're waiting for President Hargis, so --

Okay. That's all right. We're having a good time.

Yeah.

Anything we didn't want to say in public, so that's --

No, no, we're all good.

Bring that to everyone's attention. While we're waiting for President Hargis to join.

So Joe, last time we were all together you weren't permanent, but now you are. Congratulations.

Yeah.

Well, thank you. I --

Well deserved.

I've always wanted to follow Burns and I think he said -- I hope to delay the next step with him just a little bit longer, but I appreciate it.

Well deserved.

So Kylie you'll just plug us into the fold.

Well, we're in the fold meeting right now. Just waiting on President Hargis.

Okay. I wonder if --

And I --

-- we ought to text him.

I'm checking on him.

Okay.

So we'll have another good Saturday of football, OSU at 3:00 in the afternoon and Joe, OU at 7:00. Is that right?

That is, absolutely.

So --

Oh, President Hargis has joined.

Okay.

And I'm promoting him to be a speaker now.

Sorry to be late?

Hey, there here is. Congratulations.

Good roll out Friday.

Not bad.

Not bad [laughs].

Only got nine months to go.

[Laughter]

Are you counting [laughs]?

Joe wanted to be sure and get into his comments that stressed that you were a graduate of the OU College of Law. He thought that needed to be referenced in there, Burns.

Yeah. You know, Joe called me a few weeks ago and he said, "I've got a bone to pick with you." And I said, "What's that?" And he said, "You didn't tell me how hard this job was."

[Laughter]

There's a lot of truth to that.

If I told you that you'd have quit.

Well, Burns, we're all proud of you. I hope you know that.

We are.

We are.

Absolutely.

Well, are we ready? I think we may be ready to kick this off, then. Is that right, Kylie? Anything else we need to --

No, I think we're ready to begin, Chancellor.

Appreciate our panelists being on and we'll go ahead and start. We are live. So we'll -- Kylie will make some introductory comments and then we'll get right into the first session. So Kylie, you want take --

Yes, thank you, Chancellor. I'm just going to go over a few housekeeping items for the webinar. Before we begin our program, I want to welcome you to our third session of our Regents Education Program Webinar Series. As a reminder, for those of you who attend -- who were unable to attend the first two webinar sessions, each newly appointed Regent or trustee is required to complete 15 hours of continuing education credits in the first two years of service. Today, you will receive three credit hours. Two of which will be an ethics, which is statutorily required. We will be sending out an electronic evaluation of today's webinar to each of you by email, as well as a link to the presentations that you will see today. Please take a few moments to complete this survey. Your comments will help us strengthen the Regents Education Program going forward. And finally, to maximize your opportunity to engage with our presenters today, I have sent out to all registered attendees this morning an email that contained instructions for using the raise hand function and the Q&A function. The chat function is also enabled in case you have any questions that you need to ask of me or IT staff during the webinar. Now I'd like to turn it over to Chancellor Johnson, who will introduce our presenters.

Thank you, Kylie, and welcome to everyone this morning. Welcome to session three of our Regents Educational Program's virtual conference. And I think, from the feedback we've received, the virtual component is working very well. Today we start our session with a great panel to discuss the topic of making the case for higher education, strengthening public confidence, and advocacy. Our first panelist will be Dr. Tom Meredith. I think as most of you know, Tom has been with us on

our other two sessions. He is a senior fellow for the Association of governing boards. He has served as the Commissioner of higher education for the state of Mississippi, Chancellor for the University of Alabama system, and Chancellor for the University of Georgia system. He also served as president, Professor of Education at Western Kentucky University. He has great insight into the role that Regents have and their efforts to provide a quality education to our students. So please welcome virtually Dr. Tom Meredith. Next, we have the president of Oklahoma State University, President Burns Hargis named the 18th president of OSU in December of 2007, took office in March of 2008. President Hargis holds degrees in accounting from OSU, a law degree from the University of Oklahoma. He practiced law for many years in Oklahoma City, most recently with McAfee Taft. He was also vice chairman of the Bank of Oklahoma. I think as most of you know, President Hargis announced his retirement on Friday at the OSU A&M Regents meeting. I think I speak for everyone this morning when I say he has indeed been a transformational leader at Oklahoma State University and will be greatly missed. Please welcome President Burns Hargis this morning. Our next panelist is President Joe Harroz, the 15th, President of the University of Oklahoma, receiving his undergraduate degree from OU. He was a Phi Beta Kappa graduate with a Bachelor of Arts in Economics, a minor in zoology. He received his JD degree from Georgetown University Law Center and was the associate editor of the Journal of Law and Policy in international business while in Washington DC. Please welcome President Joe Harroz. Our next panelist is Brent Gooden, the President and CEO of the Gooden Group. He has decades of experience in public relations management, business consulting, marketing, communications, media relations, public affairs, issue advocacy, and crisis management. He has worked with a number of Fortune 500 companies, a native of Oklahoma City, a graduate of Northwest Classen, holds a bachelor's degree in Public Relations from Oklahoma State University. Please welcome Mr. Brent Gooden. Finally, our final panelist is Pat McFerron. Someone who's been on this program previously. he is a political consultant in Oklahoma, a partner and CMA Strategies, a leading consulting firm in our state, running winning gubernatorial campaigns, congressional campaigns, everything from corporation commission, to attorney general, to lieutenant governor. In addition to these duties with CMA, Pat is also president of Cole Hargrave Snodgrass & Associates, responsible for survey design and analysis of both political and commercial campaigns. He graduated summa laude from Oklahoma City University, and also conducted graduate steady work at the American University in Washington, DC. Please welcome Mr. Pat McFerron. Well, we'll get right into the questions. The first one no surprise, since it's dominating. It has dominated our agenda since March is COVID-19. Arguably, I'll say this, as the system aired in Oklahoma, higher education's business model has

certainly been disproportionately impacted and disrupted by COVID-19. And certainly I say that even in comparison to our K through 12 system in Oklahoma, or career tech, given our unique business model, and the way our funding is structured, with this significant disruption caused by COVID-19, and this pandemic on college university campuses, the first question would be for our panelists, what is the most significant challenges that Oklahoma higher education faces? And what innovative changes do we need to make higher education, towards our program going forward to address these challenges? That will be our first question, we'll begin with a national perspective from Dr. Tom Meredith. And I would ask, given the time we have in this segment, if everyone will limit their remarks to approximately two minutes, I think we'll get through the questions the same. So Dr. Meredith, it's yours.

Thank you, Glen. Well, everyone has faced the same thing all across the country. And it's been really tough. I've talked to a lot of presidents over the last few months and they're struggling, of course, financially. But that's just part of the picture, which I think a lot of people don't realize. I think what I would suggest that you think about when you're dealing with this, and with all the other folks involved, is focus on student needs and what you've done to focus on that. I wouldn't start off with dollars. I've watched a couple of states do -- put the student needs out on the front piece of this, come back to the dollars later on, after you've made your pitch. But it seems to be working to focus on what this has done for students, and what you have done for students. And I would push that in terms of the fact that you made such a huge transition. I mean, I don't know a time when higher education hasn't had to make such a massive transition, as you've done with this. So focus on what all you've done for students. You want to make sure their needs are met, doing everything you can to be safe and lay out the detail for them, so that they understand. Because I suspect they don't really understand. All the way from the instructional side, all the way you transitioned all of that, overnight, to the fact that you've done things to make the place safe. Then after you've done all that you may slip over there and start talking about dollars. But the main thing is that nationally we've just got to focus on what all we have done to take care of students. Then, I'll stop with that.

Okay, President Hargis, from a research university perspective, the -- both you and President Harroz have been out there in front on this issue. But what do you specifically see as the challenges that you have faced from your perspective as the president since March? And then what changes have you implemented and what you see on the rise going forward in terms of the changes we need to make, to mitigate COVID-19, President Hargis?

Well, we've worked very hard on the sanitation of the classrooms, the social distancing, the testing, all of those things. I really think the hardest thing is to give our students the full experience of a college education. I mean, while I think everything that goes on in the classrooms are very important, everything that goes on outside the classrooms are just as important, because that's where students really learn the skills to use what they learn in their classrooms. And doing that, in the midst of a pandemic is very difficult. I mean, trying to give these students the experience of working with a lot of others, there's not a more diverse place on the planet than a university campus. And yet, our students are having a very difficult time interacting with their peers. And so initiatives to somehow mitigate that problem are very important, and we've been working on that, but it really has been a challenge. And I especially feel that with our freshmen, it's been the most difficult. Because at least the more upper-class students have had that experience, and our freshmen are kind of missing out on it. So that's one of the things we've really worked on hard. And I'll also say the mental health is a real struggle. Every president I talk to around the campus -- around the country talks about how difficult it is to meet the needs of our students. And we're working on initiatives there, but we're far from having it perfect by far.

Very good. And anything I know you made a presentation to the Southern Regional Education Board Task Force. Any comments relative to all this on the development of your testing site? And that as figured into the issue?

Well, it was it was a real coincidence that we realized that our animal diagnostic lab had the exact instruments necessary to process the COVID test. And we quickly -- with our medical school, restamped our animal diagnostic lab into a testing processing lab and we're doing about 2,000 tests today. And that was a happy coincidence that came out of this pandemic.

Okay. Very good. President Harroz, same question you've been, this has been on your plate front and center since March. Biggest challenges, what you've done to cope with it, with your strategic plan that you unveiled earlier this year? And then specifically, what do you see going forward from this point on, President Harroz?

A quick comment just for those that may not have been on earlier, that is that Burns conned me into this. This started in March and then Burns pulled the cord on Friday. So everything he said, I think has to be discounted for the fact that he's quitting. I'm just kidding.

[Laughter]

He has done an unbelievable job and is doing an incredible job and I'm going to miss him, and we're going to miss him in this role in nine months. The -- you know, so Burns' call has covered a lot of the high-level issues, right? As we think about what it means to be, you know, truly productive and hopefully great university, you know, comprehensive research university. It is. It's about the classroom, it's about the student experience. We spent a lot of time working on a strategic plan, and there are five pillars in it for a Norman campus. And you know, essential to that really is true excellence, it is a place where a student can essentially engage in social and emotional growth that only takes place, you know, when you are truly there in every sense. And it is being affordable, a place of true belonging and creating a research enterprise that drives the individual and the state, nation and world. So how does all this work in a pandemic? And to me, you know, first of all the need to be together for at least large aspects of the experience is critical. And a lot of institutions didn't do that. And we estimated going into -- you know, about four weeks out from the beginning of the fall semester, we ran a scenario. There were lots of pressures in the state and nation to go fully online. We ran some numbers that have proven themselves out with the experience of those that went fully online. And for those that are comparable public research institutions, they're down about 20%. That would have been \$175 million hit for our Norman campus this year with the four-year tail. And so there are so many heroes in this and it's the people that did everything from the cleaning, to the masking, to the testing, all elements of this. It is -- I've never -- I've been involved in higher education in Oklahoma at the senior level for 20, now six years, and I've never seen an effort, like what took place and is taking place. And I've never been more proud of everyone. And this is, you know, all the way down to the entry level person working 12-, 14-hour days. So the biggest challenge was how do you avoid a problem that has with it a five year or 10-year tail, in terms of, you know, a legacy problem? And I'm proud of everyone for that. And Oklahoma has been a good model for that. The other is that, I think is addressing the reality that pre-pandemic, there has been systemic change in higher education. Fundamental changes. And this is before the pandemic. We know the numbers. You know, 30% of universities were losing money on their balance sheet, right? Annual deficits were being run by 30% of the universities in America. I mean, income statements. On the balance sheet in terms of debt taken on, truth of matter was the ability to continue to increase tuition as it had since 1980 and to shove this on the backs of students has decreased. And so even though tuition rates have gone up, net tuition and fees have flattened or gone down. And the prediction was, you know, pre-pandemic, one in 10, liberal arts universities would go broke over the next 10

years. And so what's changed with the pandemic? And the reality is, it's a catalyst. Just for those one in 10, liberal arts institutions. It's now become not one in 10, over the next 10 years, but one in five over the next five years. And the strings that are attached to all universities, including public comprehensive research universities, that were facing us, maybe hadn't been completely evident to the public, but we're very clear inside the universities are being exaggerated and seen and revealed. And so I think this question about, you know, what innovative changes do we need? I think the first is to be honest. That there is a need for some sort of systemic change. It's already upon us. Higher education is not immune. And to me, the innovation is to be really honest about it. Address where you are as an institution, certainly from a trustee standpoint, a Regent standpoint, and then lay out a strategic plan that lays out, you know, a real future in our new reality. So you know, to me, I think that a lot of us didn't want to admit, or didn't want to face where we were pre-pandemic and the pandemic is, to me a major catalyst of change.

Okay, very good. Appreciate that. Next, let's hear from perspective, private sector from Pat McFerron. Pat, your thought on how we've been confronted with this, and thoughts on what to do going forward. Pat?

I think, coming through the 2020, the pandemic, one of the things that we know that people are interested in is good news. And I realize you've got challenges here. Very real challenges. But I think the best way to express those challenges is to do it in a positive way. This is what we've accomplished, this is how we've been nimble. This is how we've adapted. This is how we still met our mission. And I think it's important to start that conversation like Dr. Meredith talked about, was with this is the service, this is what we're doing. This is the service we're providing and then you can back into the business model. I will say, I think that you have a challenge inherently. Because so many people you're visiting with have their own personal college experience. Thinking about colleges and higher ed as a business model. They want to think about it as an experience. And so I think it's important for you to frame what you're doing this way. What is the experience we're doing as positive for our students? How are we, again, overcoming these challenges? And then here's the reality on the back end. Now we'll open up the books. Now we'll show you what's happened. But I think you've got to capture that positive nature first and, nobody -- in 2020 if you're in the oh, woe is me line, you're way at the back. There's a lot of people in that line. So I think you've got to get in a different lane, different area to bring that forward.

And to that point, as part of capturing the positive experience. The -- you know, if you look at it from one perspective, we transitioned as a system, from face to face to online, basically in a week in March of 2020, during spring break. Which is phenomenal, but part of that description or describing the experiences, admittedly not every student is completely in love with the full online experience. So we have challenges there to make that as vibrant as it can be, and continue to show that the rigor is essentially the same. And that's part of our responsibility going forward as well, to continue to bolster the online experience, which we're doing. But it sounds like you're saying we need to tell that story as a part of the experience.

Absolutely.

Okay, finally, Brent Gooden your thought on this brand, in terms of what we've done and what we need to do?

Well, thank you for making me laugh. Because I'm still wondering why I'm on this distinguished panel. This is some great people on board here. Two very quick points. I know we have some Regents on the call. And I've had the opportunity to observe the OU Regents and the OSU Regents. The one thing I would tell you is listen to your presidents. Both President Harroz and President Hargis enjoy an exceptional relationship with their respective Regents. They trust them, they have confidence in them. Nobody knows the heartbeat of the university better than its president. And heed their advice. Listen to them intently, because they have the best interest of the faculty and the students and entire community in mind whenever they're making a decision. The other thing is with regards to a pandemic, always remember that actions outweigh words. Don't say it unless you mean it, unless you can do it. Because in this type of a situation we find ourselves in, research is telling us that people are craving facts. They want authenticity, they want honesty. In the case of parents, they want to know that you as Regents, and you as presidents are taking care of their son or their daughter. And they want to measure that by what you do, not what you say.

Okay. Good commentary on our first question. We'll move to the next question. Our abundance of research demonstrates that earning a college degree provides a very robust positive return on public and individual investment. The research shows that college graduates make more money than their counterparts with a high school diploma, they're more likely to be employed, they have more options, more career opportunities, they certainly have more financial options. Less likely to need public assistance, healthier, they're by large, much more civically engaged in their communities as leaders, much more likely to volunteer and vote and donate

charitably. With all these benefits of earning a college degree, this question would be from a president standpoint, and from a Regent and trustee standpoint, how do you and your role as presidents and certainly our Regents, serve as resources and advocates to counter what continues to be public skepticism about the value of a college degree? Let's start with President Harroz on this question.

Yeah, I thought those were really good comments. Especially interested, you know, this idea of optimism and you know, Pat, that made a lot of sense. Brent, this idea of how do you -- you know, how are you authentic? How are you really honest? I think that on this topic, the number one -- you'll often hear board members who will ask this question, how can I be helpful? Part of it is to have these facts. I mean, it's to know Chancellor Johnson, and you advocate for this every day. It's to have these essential and foundational facts at the ready to express and explain how it benefits the individual. I do think on a policymaking standpoint, though I -- to me, I've found that, especially given the current, you know, political climate, that in the same conversation about the benefits to the individual, that there's also a discussion about the benefits to the collective. How does a college degree not just help the individual? And to me what the individual [inaudible] the benefits and then of course, the discussion about here is the cost and then we're going to get to that later in this program, but I think that value proposition is really important. But I also think that part of the explanation is also to policymakers and those that don't have kids that are going to be going to college potentially. I think it's the value proposition for the state. How essential a well-educated workforce, how essential well-educated professionals are to the future of the state. And certainly as it relates to research, how research is a critical fuel for the progress of our current and future economies.

All right. And again, I think with this question, we're asking what do we do to counter those thoughts out there that there's not intrinsic value to a college degree? We've got two of our preeminent communication strategists on this call. So let me pose that question next to Pat McFerron. How do we counter this skepticism?

Well, I think there are a couple of different things you have to do. One of the things that I fear is lacking at times in this realm is the presence of real champions that aren't personally invested at this point in time. And so I think cultivating those relationships, having people that are able to be an advocate on a regular basis, to me is one of the key things you need to be able to do. I mean, you might look at someone that's going to quit being a university president nine months and keep them on board where they're no longer there taking things. But I actually do believe that's something we have to do. We haven't had, you know, for quite some

time, you know, at the highest levels of government or other places of real champions for higher ed. And so it's developing those relationships and finding ways to get that done. I don't have a -- I mean, I wish I could wave a magic wand and anoint people to that. Like just ask you to continue to look for other people to echo the importance of higher ed. And I know you do that with the business community as much as you can. But the reality is, it's -- you know, it's tough times there, as well, and so this is not going to be their priority. So I recognize that.

So the advocacy extending both not only inside government at the top level, but also private sector and other stakeholders.

Yeah, I'd love to see -- I know relationships. I know you have these, some but you know, I'd love to have, you know, reporters, in the media, different places that are just going to regularly cover you know, some campus good news story. I mean, we've had the -- you know, the Oklahoma this is a great state or what type of thing, but some sort of message along those lines that's able to talk about the great things that you guys are doing as well.

Okay. Brent Gooden, same question.

Real quick observation. Many of the reporters who are reporting on education are graduates of either OU, OSU. And so it's obvious that they understand the benefits derived from a college education as well. And that needs to be brought forward. One very quick point, we have to stop fighting among ourselves. We have to understand that two-year colleges have a row, four-year colleges have a row, there's also a row for career tech, K through 12. Unfortunately, we have a system where we're all -- we are dashing for dollars, and that creates competition. And so at times, we are hurting ourselves because we that are in education -- that's education in general, are not unified in talking about the premise of the virtues of education. College education, college educated folks -- just look at Tesla, they need engineers, they want to see that OU, OSU and others can produce the level of engineers that they need. We have to work together and stop competing with one another. And we have to have unity of message, we have to have unity of purpose in order to, if you will, elevate high higher education in education and general as being valued. There's a great story out today of the states where people are moving to and without question, if you have a child, no matter what the age, in college, middle school, whatever the number one reason they'll move to a state is that they see an education system that is robust, and that is producing the type of individuals, colleagues, et cetera. That can thrive as productive citizens. It's so

critical, but first, we need to unite and work together and not against each other, especially at the Capitol.

Thank you, Brent. President Hargis, how do we counter the public skepticism that is out there about the value of our product in higher education?

Well, of course, part of the problem is only 23% of our population have a college degree. And the national average I think is of around 34%. So you're climbing a pretty steep hill to get people to appreciate a college degree. But the fact is, if you just look at the empirical evidence, it's clear. The higher, the percentage of college graduates that you have in a state is absolutely literally correlated to the per capita income. It's really unassailable. And so we have to have our population understand that if we want to grow, the silver bullet are college graduates, because that's what Tesla is looking at. That's what any number of entities are looking at. And it's not just people from outside, it's people inside. I mean, Tinker could hire every engineering graduate out of OU or OSU. All of them. And they don't have enough. And here we're trying to build an aerospace industry. The other thing people don't recognize, certainly in the case of OSU and OU, is the amount of money we bring in from out of state into our state. And that's pure economic development. So I think in the case of OSU, we bring in about \$340 million a year in grants and contracts and tuition and fees from students out of state. And I dare say, OU is that or more. Well, that if you apply any reasonable multiple shows what an economic engine these two institutions are. And to starve them is literally shooting yourself in the foot.

Yeah.

Okay. Very good, then to close this out, again, from somewhat more of a national perspective. The skepticism about the value of a degree is also on the national discussion in the National Space. Dr. Meredith, your thoughts on that?

Yeah. It seems to me that people have heard all of our stories. And sometimes it becomes kind of old hat. You know, we've heard this before. And so my attention - - I glaze over and I look someplace else. So I think on a lot of the things we're going to talk about today, we have to think about a way to change the narrative. How can we say this in a different way? College is important. You know there's an ad on radio all the time I hear from Rocket Mortgage or something like that. It says, this is the biggest no brainer in the history of mankind. Well, is a college education worth it? It's the biggest no brainer in history of mankind, no question about it. And how do we convince somebody, you know, I carry -- don't carry it

around, but I always have handy the little sheets got 18 things on it, I could put 50 that talks about is college worth it? And you know what? Money is tied to all of them for the state. Money for -- not just the individual but for the state. So can we change that narrative somewhat to help with that? And I would say to Regents that are on this Zoom call, you have a fiduciary responsibility to carry this message out. I mean, learn the facts. You're going to hear me say this probably a couple more times, but become really informed. Get your president to feed you all the information you can, commit it to memory, you get that elevator ride, you can tell somebody about your school, but you can also talk to them about what college graduates are doing for the state. Just take all of this in and be able to share it. You have a responsibility to do that. Take the time to go to Rotary and Chamber of Commerce and whatever you can to get a speaking spot. I'm talking to Regents now. Presidents are already doing this. But Regents get those opportunities to talk, they always need a program and talk about how great or what the great value is for higher education for college graduates into society. It's overwhelming information. I was doing another search the other day on is college worth it? You can't count all the articles. There's so many. So just use that information, go out and push it hard. There's a lot of national movements on that. AGBs got one called the guardians and so forth. So fulfill your fiduciary responsibility, and go after this. Almost about 80% of college graduates say that it was a good investment for them personally. I mean --

Yeah.

-- even people who are doing it say it's good. And it's hard, you know, when -- last thought but when the legislature doesn't have money, they find -- excuse me Glen, but they find ways to kind of downplay those things that really need the money. They know they need the money, but again, a lot of tugs and pulls and we've got to tug and pull with everybody else on that. But don't sell anything short. It's all positive. As Pat was saying it's got to be a positive message and it's a no-brainer.

All right, good discussion. We'll move to our next question. Americans worry about the cost of higher education. They were afraid -- saddled with debt, won't be able to find quality jobs after graduation. They hear about the tuition costs and hear stories about college graduates still living in their parents' homes. However, a lot of our research demonstrates that the average debt level for a bachelor's degree recipient is significantly less than the price of a new car. In Oklahoma, for example, the most recent data that we get from our center on national debt shows that 53% of students graduate with a bachelor's degree in our state have zero student debt. Those that have debt, that debt averages throughout our states of

higher education at \$21,523. So the question for the panel would be what are some of the effective strategies that can be used to persuade our policy leaders that earning a college degree is certainly worth the financial investment? Let's begin this question with Brent Gooden.

Oh, I think I prefer to hear from the two presidents because they are --

[Laughter]

-- a lot more to offer on that. But I'll just give you an observation. One of the things that I know is happening at OSU and has been very effective, and I can also say, I think at OU, you is the fact that there is a great recognition, the need to have financial aid. And the amount of scholarships, everything that had been raised has been very helpful to help defray that. as it relates to the legislature, I've heard people say that, you know, when you raise tuition, that's really a tax. There probably is a correlation between the increase in tuition and the lack of state support. I think they need to understand that. go back to what President Hargis said and Tom, it's a no brainer. The more college educated people we have in Oklahoma; the greater magnet will become for the industries of the future. The high-tech industries. And so it's a circle. And investments in higher education means prosperity for the state of Oklahoma.

Okay, we'll next hear from one of our presidents. President Harroz, your thoughts on that question.

Yeah, you know, I think that this is -- there are things we can do better to -- I mean I think this is -- this question of access to higher education, it's not just affordability. Right? It's is it affordable, and do individuals understand what the value proposition is behind it? And I think we often get caught up in the international conversation about what it costs to go to school at institutions that cost far more to attend. And that's unfortunate. People -- you know we know the facts. I mean we know that; you know, student debt now is the highest consumer debt that individuals have. But I think sometimes the context for our institutions is missing. And that's why I focus so much on value. This idea of sort of fusing the last several questions together, right? what is it -- what is the level of excellence provided by higher education in Oklahoma? Then what is the cost? And looking at it through those combined lenses, I think that's where we need to be. When I was at the law school for nine years, that was a huge part of it, because law schools cost twice more -- you know twice what it costs to go to undergrad basically. And nationwide in 2011, we saw 50% of applicants disappear over a three-year period,

because the value wasn't -- proposition wasn't there. The price simply got -- became too high. So I think we have a unique value proposition to offer in this state and a need to explain that to individuals. But there are also things we do really wrong. And we're working on one of those at OU. Which is giving individuals real transparency into what the cost is. The current structure we have in Oklahoma, where it's, you know, this historical and political legacy of tuition and fees, something Chancellor Johnson you have to juggle every single day. Decreases the transparency of what the cost of a degree really is, and I think it's to our detriment. Because we provide a really great value. But whenever you're making that initial decision of going to college, if you can't see into the real price to go to school, it's just too scary. I mean, if we told you are -- you know, you compared it to the cost of buying an average car. If we told you that, you know, we'd like you to make a, you know, \$20,000 investment in a car, but we can't really tell you what it costs. It's going to be on about three or four pages, and we'll get back to you with the specifics, you might have difficulty buying it. So I think there's a lot of things that we need to do both around how we articulate our message, but also how we structure the way that we inform individuals of what the costs are. So I think there's a lot to do and a huge opportunity for all of Oklahoma higher education.

Okay, President Hargis, how do we -- what's the best way to make the case that to our legislature, our governor, or our other policy leaders that the college degree that a student earns is certainly worth financial investment that they make in helping our students earn that degree?

Well, it's a great question and we haven't been able to do it so far. You know, in 2010, the appropriation to the OSU, Stillwater campus was about \$132 million. The appropriation -- and that was in 2010. The appropriation this past year was right around \$90 million. And that's not inflation adjusted. So when you reduce state support that low, probably 11% of our budget, you're going to have a big problem. And when I was in school, which admittedly was 100 years ago, I think the state sported about 70% of the cost of our education. So now we're down into the low tens. And you can't make all that up with tuition fees. So you have to access all kinds of financial aid in the rest. But the -- we've done a better job, I think, of raising money. And our alumni have done much more in terms of providing financial aid to the university. But you're -- and our numbers track pretty well with what you quoted. About 50% of our students graduate with no debt at all, the rest is average in the low 20s, 20,000s. And which you could overcome if you look at the income increments for a college graduate. But they have to understand that if they continue to disinvest in higher education, and reduce their sport, it puts

more and more pressure on Oklahoma families. And so what we've tried to do to offset that is to not only be very efficient in our operations, but also to just raise lots of funds for scholarships. Especially for needs-based students. So it's a real conundrum, and I'm not sure what the answer is to be honest.

Okay. Good thoughts, a national perspective, Dr. Meredith, your thoughts on what we can do to make the case that this is worth the money?

You know one of the things we're fighting all the time is in the political world now, it's jobs, jobs, jobs. And they don't talk about what level jobs, it's just they want to be able to talk about that on the campaign trail, they want to be able to talk about that to voters for sure. Just every way they can talk to voters, and talk about jobs. You know I'm bringing new jobs in. It doesn't seem to matter whether it's a \$15 an hour job, or whether it's engineers. I mean it doesn't matter. They just talk about look at the numbers, look what I've done. That's not what we're totally all about. I mean, people get jobs, obviously. The data that gets put out there is misleading. But that's what we're facing nationally is this other kind of dialog that simply says none of this stuff really matters all the -- whether or not you're producing all the computer scientists that people need, or they're begging for more. It's just the fact we got people jobs. And until we can overcome that narrative, that's going to be tough. Because they can't count all the things that we do. I wish they could but they can't count all the things that we do regarding our graduates. The other thing is to make sure we understand the people we're dealing with in terms of students. You know we were concerned in Georgia about the lack of black males coming to college is still a problem across the country. Everybody's concerned about that, or should be. And now the number is going down even worse. But we studied that and did things all across the state to find out what's going on? Why are they not coming? And so forth and so on. What we found overwhelmingly is they didn't understand the real cost. We all mentioned that just a moment ago. The cost is out there. As far as they're concerned, what they read about is Harvard. And that's a lifetime of money for their parents. And so somehow, we've got to get the right information out there, and the financial aid is available. And if state after state, after state is wrestling with this now.

Okay. To close out this question, Pat McFerron, your perspective from your data and your analysis in terms of how we make the case that this is a good investment?

Well, the first thing I'd say is I actually wish Brent and I had traded spots on this time, because I'm afraid I've got more than identification of the problem than any solution here. And I think there is a very important conflict than what we're talking

about here. You've got -- on one hand, you've got messaging here that says, look, it doesn't cost families as much to go to school in Oklahoma as it does other places. So please, legislature help fund this more. I mean, we have to recognize we're going to have a state house that's going to have more than 80 republicans in it at this time. And I'm afraid that message of its being in a -- you know it's cheap for families to do this, actually discourages them from funding by saying, hey, look, you need to pay more. More of a user fee, you should be doing more. So I think we've got a conflict there that we have to have to recognize. I think obviously, for those we want to attend our colleges and do things, we'd have to have this message here. I will tell you; this is a little bit of an aside. But if you're telling me that 53% have no debt, and the others combined for a little over 20,000, I think I would change it -- the entire messaging there. If you're trying to make it seem cheaper to say the average debt is less than \$10,000 for everybody. Just do the math there. Makes it seem even a little more affordable. But again, I think there's a challenge with the legislature on that side. That's not a message, I think that encourages them to fund higher ed at a higher rate. And so that's one of the one of the concerns I have when I look at this. And so I -- again, I don't have a solution for this. But I'd be more than happy to sit down with people and spend a couple three hours noodling through, how do we navigate this user fee issue in Oklahoma? Because it is unique, it is different here.

Well, it is a challenge Pat, because I know the presidents on the call would agree. A lot of what we get legislatively -- of course, it's from constituents is that they're constantly saying, your tuition is way, way too high. Which requires us to come back and say actually, no, it's not. We're one of the most affordable in the nation. And then that's the student debt information. But that's usually in response to legislative discussion. Where it starts off by them saying, your tuition is way too high and then we have to point out --

I'm wondering if we don't respond, instead of saying no, it's not to say, yes, it's because you've cut funding since 1990. You know it would be more affordable if we had this bigger general obligation to making education more affordable. The other thing I'd like to --

-- just said, a lot of legislators who are coming into the Capitol, aren't aware of the historic situation. So we have a responsibility to let them know of the connection between what has been done in the past and where we are in the future. So there's a big effort ahead of this right there.

The other thing I'll mention is, as you look at the legislative map and how things are changing -- I know I shared that on a Regents -- or not too long ago. Is that we have gone from a century of a state where the majority party was dominated by rural interest. To now a legislature, where the majority party is dominated by rural interest. It's just changed from Democrat to Republican. And so talking about Dr. Meredith's comments about the jobs number, that is so true. We need to have highlights in places where we talk about what jobs we're bringing into rural Oklahoma into some of these other communities, not just the metro areas. I think it's hard for people to think, yes, there are, you know, engineering jobs in Okeene, or you know, Waukomis, or different things that we need to look at how to find that it's benefiting the entire state, not just the two great metro areas that are growing.

Well, I think this is a conversation we probably need to continue after this call. Because I think it will define to large degree one of our major strategies going forward into the next live session. Let's go to our last question. And I might -- again this has been great discussion, robust discussion. Let's make this to some degree a lightning round. Only slightly quicker responses because again, the responses have been outstanding. Let me pose the question. One of the criticisms that we often hear is that higher education should be more responsive to the business community. Many will recall that our taskforce on the future of higher education in 2018 made several recommendations related to workforce development, such as the development of policies and procedures to accelerate the time to approve new workforce oriented academic degree programs, that business needs micro credentials to focus further on quicker degree completion efforts, to work with businesses to offer more internships and apprentices. The question would be, higher education often does not get the credit that it deserves for its role in workforce development. To the panel, what messaging strategies can higher education use to more effectively convince our policymakers and elected officials that higher education is an invaluable partner in workforce development for our increasingly knowledge-based economy? And you might also weave into that, do we need to use more data, more one on one stories, or both? Let's begin this discussion with Dr. Meredith.

Three or four one liners. Let others make your case. They expect Burns Hargis to talk about how great Oklahoma State is and what all they've done. They expect that but let others make your case. Who are the beneficiaries? Get some of those to make your case for you. Tell stories. You see what's happening on the campaign trail? No one's given any data. They just talk about stories. And so that's what people remember. They'll forget the data, even though we have to use it because

it's really good on our side. But tell stories. Ask legislators for advice. Every year, I used to make the rounds and ask a legislator if you were in my shoes, how would you make the case for higher education to the legislature? I mean, just get an inside perspective. I was always shocked how much they wanted to tell you about the advice they would give but it was good stuff. And remember, all politics are local. So somehow bring all those messages back to the impact on that particular legislator and their area. And then for agents, you've got a fiduciary role to be right in the middle of all of this.

Okay, very good. President Hargis, you've been involved on private sector and workforce issues, how do we more effectively document and make the case for higher eds vital role in workforce development?

Well, college graduates tend to be very innovative and very creative. Whether they're in the rural areas or in in the major metropolitan areas. And I think people understand that if you make the case cogently enough. But one area that I think applies to a lot of people is we have worlds of people. I mean, I think in Tulsa alone, about 50,000 people who have partial college credits. They haven't gotten a degree and coming up with strategies to get those people degrees, whether they're in McAlester, or Lawton, or wherever they may be to get those college degrees. So then then that area can attract businesses that need those college degrees. And it's a equation that will just add up to prosperity. So in view of your lightning round admonition, I'm going to stop there, but that's what I'd say.

Okay. Good point. Same issue for President Harroz. Workforce, how do we describe our unique and vital role in the workforce space?

You know I -- being respectful of the lightening round aspect of this, I think that two things come to mind. One, the statement made earlier that, you know, less than a quarter of Oklahomans have a four-year degree, tells you the messaging has to be something that resonates with those that don't have the degree and I also think there's a concern that when you talk about workforce, you wind up with the vernacular. You wind up using a word that homogenizes all kinds of work as being put into one grouping. And I think this is where the tears of higher education in our state can play a role to say, look, as it relates to higher education in Oklahoma, we can meet the various levels of workforce needs in these ways. And that they're discrete and important because they impact all of us. So I cede the rest of my time to Pat and Brent, because I think a lot of this is understanding who it is -- you know, to whom you are speaking and what they want to hear.

Well, a lot of it is messaging. President's perspective is critical in shaping that message. Well, let's go next, then to Pat McFerron for your thoughts on -- I know you've done a lot of polling on the issue -- our vital role in workforce development higher ed. Pat?

Yeah, I think the first thing I'll do is echo Dr. Meredith. Find champions to tell you how you've worked here. And, you know, I don't want to get into, you know, school administration or anything but I would try to make sure that you've empowered your employees and others that are interacting here, to let them know that the legislature is watching. I mean you need -- whoever's working with the greater grads program with Oklahoma City Chamber from your college, that they're getting the feedback to say, "Hey, can you give me a sentence? Can you give me a line? Can you send me an email talking about how this is so we can share it with your legislator?" so empowering them to collect that information, I think is something that could help you with those champions. The other thing, I think we need to be aspirational here. And I understand that concern about only 25% having college degrees, but the last study I did, I had more than -- I think it was 93% of parents of seventh graders expected their child to have a college degree. It is what people want to have happen with their own families. We know that that's not attainable at this point in time for us to reach that kind of number. That's one of the frustrations I think that folks have. But again, I think people want to have that and we should be able to use that as well. But there is a -- while they might have skepticism on the value of a college degree for other's children, for their own, there's no doubt.

Okay. Okay, this is our final panelists for our final question today. And then we'll see if we have time for questions. Brent, workforce and how do we better message it?

Well, I'm going to really respect the lightning round, [inaudible] that you provided and tell you that I'm not sure there's anything I can say that's going to strengthen or enhance what already has been said, except for one thing, the messengers matter. We have excellent messengers in higher education. But when a student tells a legislature about their experience, when a mother or a father comes and say, I believe that my child needs a college degree in order to be competitive. That means a lot more to a legislator, because they're seeing the heartfelt sentiments of the people that are their constituents. And when a constituent calls, the phone is always answered.

Okay, well, this could have easily been a two-hour panel and I speak for everyone. We've got a stellar group here who has been responding to questions. I might ask Kylie; we may have time for one or two questions before we have to close out. So Kylie, do we have any questions in the queue?

Yes, Chancellor, we have -- actually we have two questions. Our first question is from Regent Paul Cornell at Tulsa Community College. He says having recently met with a senior Oklahoma State Senator who was critical of our facilities capacity due to distance learning as a reason to support reducing financial support of higher ed, as a Regent at Tulsa Community College, former alumni chair at LSU and having a son in the OSU Honors College for mechanical engineering, my observations from all personal perspectives are that we are not only doing all we can, but we are incurring new and different costs to maintain quality delivery. Any comments from any or all distinguished panelists on our answer to that senator's criticism to strengthen the message would be beneficial for all in attendance to hear. Thank you.

Okay, good question from Paul Cornell. Let's not -- we may not need to do all five. Who'd like to weigh in on that? President Hargis, respond to one of your good alums from Oklahoma state.

Well, yes, I know Paul very well and he's a wonderful alum of ours. We have incurred an enormous expense in trying to navigate this COVID. Whether you're talking about sanitation of the classrooms every day, the social distancing, employing new venues in order to deliver our classes, making every class, both in person and on video or virtual has been a very expensive effort, but we have done it. And I won't say it's as good as it always was, but it's as good as it can be under the circumstances.

Okay. Anybody else? Response to Paul's question?

The math is clear and we can demonstrate it. That the CARES Act money is a fraction of what we spent in excess that are new costs. And many of those won't end when the pandemic ends, they'll have a tail to them as well. So good question.

Although stimulus money was greatly appreciated, in fact, it was a lifeline. I think just the campuses on this call, and others, it did not cover all of the expenses related to COVID. And that's our challenge going forward. We do want to acknowledge the governor last week provided 5 million additional from CARES Act funding. Representative Kyle Hilbert helped on that and that will be allocated,

or on a reimbursement basis provided to the institutions to defray COVID expenses. So all of that's greatly appreciated. But the expenses continue to mount up. And as I started this segment, Paul, I think we in higher education can make the case that higher eds been disproportionately impacted in terms of the way our funding structured and all of the expenses that we've incurred. A good question. Kylie, do we have time for a final question?

Let me follow up here and just --

Yeah, Pat, sure.

Very quickly. I don't want to miss the big picture here, is that I think the first response is, this is not how we want to continue. We want to return to normalcy.

Yeah.

This is forced upon us. This was not a choice we made. And we want to return and we're going to need your help through the appropriations process to do so quickly.

Good. Very good. Anybody else? Any other thoughts? Okay, we'll move then to our final question for the panel. Kylie?

Okay, this question comes from Regent Raul Font, from Oklahoma City, Community College Board of Regents. He would like to know, what are your thoughts on how to best recruit the freshman class for the next academic year, 2021/2022?

Let's go with our two presidents on that. Present Hargis, then President Harroz?

Well, heck, I'll be gone. I don't know.

[Laughter]

But you do it the same way we did it this year and surprising, we budgeted to be down 1,000 students. And it turns out, we're up a little bit. So I'm not sure what we did to make that happen. I know one thing is we really worked hard on bringing in transfers students. Those students who are just -- just have partial credits and that helped make a big difference in this last class.

Okay.

President Harroz?

Yeah, I think it's focused on what we deliver. And its value to a broader audience. Unique times where so many universities have gone to test optional, that you've got to be able to make your case and deliver on excellence, while not having that as a component. I think it's about having clear marketing messages that speak to the students themselves. Basically this entire last hour but focused on the students themselves that you're recruiting. It's going to get even more aggressive as we all know, 2025 will be a year where demographic changes have set a nationwide 15% decrease in students across the country that will be eligible to go to college. So we're going to be seeing not just this year, but over the next several years, real increasing competition as we ramp up to that 2025 reality.

Very good. Well, I think on that note, we will need to end. As I mentioned, this could go on at least double the time. This is an outstanding panel. I hope everybody will virtually join me in expressing a thanks for the contributions today from President Hargis, President Harroz, Dr. Meredith, Brent Gooden, and Pat McFerron. Let's thank them virtually for a great presentation on this panel. Thanks so much.

[Clapping]

Good luck, Burns.

Okay, we'll -- for those that I know -- those that -- Tom's going to remain with us, and we're getting a lot of thank yous on the screen. For the others, although I know you'd like to stay, you're welcome to sign off if you need to, and we'll segue to our next panel. Thanks again for a great discussion this morning.

Thanks for having --

Appreciate it. Kylie, do we want to go directly into our next segment at this time?

Yes, let me and move over Senator Coffee and Ashley Kemp to do our next presentation.

Tom, that was a great segment. Thank you.

Thank you. Well done. We've got some awful good voices on there.

Yeah. Do you need me to sit in on the ethics and --

You can if you want. I'm going to but whatever -- you know, whatever your schedule is.

Okay.

We've got -- looks like we've got our two panelists. Senator Coffee and Ashley Kemp. Welcome to both you. Yeah [laughs]. Did you all -- were you able to hear any of the previous segment?

Just a little bit.

Okay. We had a really good panel.

Yeah, I got to -- I wanted to thank you for putting us on after such a great panel, because who wouldn't want to listen about the ethics rules after that?

Let me tell you --

Exactly. My thought exactly.

They were a warm up for the ethics presentation.

[Laughter]

Well, if we're -- Kylie, if we're ready, I'll go ahead and introduce our panelists for the next segment. Are we ready?

I think we're ready to begin, Chancellor.

Okay, as we had mentioned earlier this morning, it is mandated in state law that every Regent complete 15 hours of continuing education, including two hours of ethics in order to meet our statutory Regents Education Program requirements. Our next session will qualify as an hour of ethics credit and will provide you with the basic rules of Oklahoma ethics. These are principles and values and individual uses to govern his or her activities and decisions. A thorough knowledge of the ethics rules are very important to your work as a Regent on our governing boards. And we're very fortunate -- extremely fortunate today to have two great panelists for

this presentation. Former Senator and Secretary of State Glenn Coffee, and the Executive Director of the Oklahoma Ethics Commission, Ashley Kemp who will discuss the ins and outs of Oklahoma ethics rules. Senator Coffee is a businessperson and attorney who was the first Republican in Oklahoma history to serve as President Pro-Tem of the Oklahoma State Senate, the top leadership position in the Senate. He also was the longest serving Republican leader in the Senate. Throughout his 12 years of legislature, he was honored by numerous organizations for his dedication to education, including being honored by Oklahoma Higher Education. He is a graduate of Northeastern State University. In 2011, Governor Fowler appointed senator coffee as Secretary of State. A position that he served in until 2013. Please welcome Senator Glenn Coffee this morning. We also have with us, the executive director of the Oklahoma Ethics Commission, Ashley Kemp. Before joining the Ethics Commission, she served as General Counsel to the Oklahoma House of Representatives, Deputy General Counsel to the Oklahoma Health Care Authority, and Assistant General Counsel to the Oklahoma tax commission. She is a 2004 graduate of the University of Oklahoma College of Law. Please welcome Ms. Ashley Kemp. You remember that we have the options of using the raise your hand and the question-and-answer function to ask our presenters questions during, and at the end of their presentation. Kylie will be monitoring these questions for our panelists. So let's extend again a thank you to Senator Coffee and Ashley Kemp, and we can begin our presentation.

All right, thank you, Chancellor Johnson. Kylie, I'll just -- do you want me just to - like how do you want me to indicate when I want to switch slides?

Just say next slide, and I'll --

Okay, fair enough. Okay, so we can go ahead and go to the next slide. So a little bit about the ethics commission. It is a constitutional entity. It was created by an initiative petition in 1990. And it is specifically required to write enforce laws of conduct for state officers and employees. And then also state campaigns. It's only involved with civil law. There's no ability for the Ethics Commission to put anybody in any kind of jail, including an ethics jail. And all the Ethics Commission rules are actually published in Oklahoma statutes in Title 74. Next slide. So there are quite a few ethics rules regarding the conduct of state officers and employees. And while this slideshow will go over some, I mean it really is a program that could go on for a very, very long time. And so while we'll touch on some of those topics, really the best friend of any state officer and employee is the Ethics Commission website. It has been recently redesigned to make it a little easier to navigate, especially with this push to going online with most resources due to the

pandemic. But this cover you see on the right, the Officers & Employees Guide is something that is updated annually. And it touches on all of the ethics laws that apply to state officers and employees in the state of Oklahoma and of course, will also apply to the Regents. You can also follow us on Twitter and Facebook. We're not super active. Right now, we have a staff of six, so we're a little limited in that. But we do try to reach out to the extent possible. Next slide. So what's the purpose of the Oklahoma Ethics Commission. Next slide. So Regents are state officers and serve in a position of trust to the Oklahoma citizens. Like all state officers and employees, we all serve at the end of the day for the benefit of the state of Oklahoma as a whole, and for each and every Oklahoma citizen. Next slide. But the Ethics Commission also recognizes that the ethics rules strive -- Kylie, you want to advance. Strive to avoid conflicts between the public duties of state officers and employees and their private economic interests. So the commission recognizes state officers in Oklahoma in particular, often are volunteer -- serve on volunteer boards and commissions. And so it really has tried to hit that balance between recognizing the difficulties that come with being a private citizen, while also trying to you know, fulfill your obligation to the state of Oklahoma and identify where that conduct may overlap. And that's what we're going to discuss a little today. So next slide. Quick overview. I think this is helpful. We're going to go over these conflicts. And so what are conflicts very generally? So they may be -- whenever an item, or is provided to a state officer or employee without payment, or at a discount, by or two people or entities that may be trying to impact state activity in some way, which is through, you know, maybe new policies, or regulations, or how policies are applied in certain situations or not applied. And you know, the awarding of contracts. And then of course, gifts. So food, drinks, meals, travel, event tickets, conference attendance, then you have your private business activity and the business activity of a spouse. Now, some of these examples, and some of these conflicts are extremely obvious, but some can be a lot more nuanced. And that is really what the Ethics Commission rules try to get at. But overall, as a state officer, when you are approached regarding maybe a benefit, one of the questions that I tend to get asked when people call me is -- regarding a potential conflict is do you feel as though the reason you're being offered this, whatever it is, is it being offered because of the position you hold? Is it being enhanced because of the position you hold? And that kind of starts off our analysis on whether and to what extent the ethics rules may come into play. So next slide. And we're going to advance pretty quickly to the next slide after that. So the scope of the ethics rules. The Ethics Commission only enforces its own rules. So state entities such as the Regents of Higher Education, each college, university, community college may have its own policies that are more restrictive than the ethics rules. And if there is a conflict between the Ethics Commission rule, and the

entity use serves policies, you're required under the ethics rules to follow that most restrictive rule or policy. And if the more restrictive rule or policy is not an ethics rule, the Ethics Commission will not be the one enforcing it. And that will really be something that the state officer would take up with the entity they serve. Next slide. And we can go ahead and advance to the slide after that. So the duty of impartiality is really recognized throughout the rules. And that's just for state officers and employees to be cognizant of their position in state government and not participate in matters where their impartiality may reasonably be questioned. Because ultimately, of course, what we want to do is facilitate the trust of the citizens and the government and how the government is run for the state of Oklahoma. Next slide, what does reasonably questioned tend to mean? It means does that affect the financial interest of your -- of a family member, a business relation? Or would a reasonable person with knowledge of the facts question the impartiality? And so that third one means it may not be an in fact actual conflict, but it would appear to be a conflict. And the reason that is one of the disqualifiers for participation in certain matters is this facilitation of trust in government. Next slide. Of course, there are times when a decision needs to be made and a board member may be implicated or a Regent may be implicated in the decision, and may be affected by the decision, but not any more so than anybody else in state government. And the best example for this is, even though it's really for legislators, not so much for Regents is the idea behind tax policy and tax laws. So income tax affects every Oklahoma citizen. And so if legislators had to disqualify every time an income tax law came up, as much as we might all appreciate it, we would have no tax policy in the state of Oklahoma, because it would be something that impacted them, as well as every citizen in the state of Oklahoma. So there is this exception. Next slide. And we can go ahead and go to the next one after that. So misuse of office. We talked about it just a minute, but it's misuse of office to use your position for the private gain of yourself, a family member, or those that you're affiliated with, in a non-governmental capacity. Next slide. Or the private gain of persons with whom you seek employment or business relations for the endorsement of a product, service, or enterprise. Next slide. But of course, we have some exceptions. And Glenn, do you want to take over here on this particular exception? I think I had a note. Let's see. Senator Coffee, I think you're on mute. Yeah, there we go.

There you go.

That's the catchphrase for 2020. Hey, you're on mute. I'm sorry, I got distracted for a second. Which rule are you on, Ashley?

We're on disqualification. And this is like the one slide I don't have the rule indicated on it. Unless the act or endorsement is customary for the position or authorized by contract.

Okay. Yeah, so I think the point that you began with that it really tends to -- this comes up a lot with voting for legislators. You -- and since they have private sector positions, it comes up a lot. And here, you know, what's the norm? And also, I think the comment -- the prefatory comments earlier, find out what your institution's policy is, they may have a stricter policy than what's required.

Yeah, and so with regard to higher ed, generally, there are a couple of scenarios where this rule comes into play. And the customary for your position and the authorized by contract exception. Some -- an example of that may be; so a college professor is invited or asked to testify at a trial. One of the reasons they're being asked to testify at a trial is because of their experiences at a state institution. Their research experience. So one of the reasons they're qualified is because of the position they hold with the state. But that is fairly customary for the position of a professor at a university, is to be asked to testify. So that's an exception that's built in. And then of course, one that's authorized by contract. There are some contracts for state employees, particularly at universities. I tend to think of the college coaches for the most part in this. Where the act of the contract itself may appear to be an endorsement of a product, service, or enterprise. And so that's something the ethics rules recognize, is a standardized practice and so long as it's authorized by contract, it's going to fit within the exception to the ethics rules. So next slide. But what about civic community, charitable promotions, or fundraisers? This comes up quite a bit. And state officers and employees can participate in those so long as they receive nothing for doing so, except the cost of the event. And when the event is actually being hosted by a charity, a state officer can participate. But those costs may only be paid by the sponsoring charitable organization and that sponsoring charity cannot be reimbursed. Next slide. It's also a misuse of office to use your permission -- to use your position or permit the use of the authority of your office to coerce or induce another to provide any benefit to those same groups. You know yourself or somebody else. So not only can you not use your own office for the benefit of yourself or others, you also can't allow anybody else to use the benefit of your office for yourself or others. Next slide. And we can go ahead and skip to the next one.

Hey, while she's transitioning to the slides, I just want to add one additional footnote. It's a very small exception but it is a rule. And it relates to, if you are volunteering on an emergency relief effort. The hypothetical is you go to a small

town and you're helping with tornado relief, and they're offering food or services. They set up a tent to provide for the volunteers. It's specifically excluded in the rules as well.

Yeah, that's an excellent, excellent point. That is -- it's the main exception to all the ethics rules regarding gifting in the state of Oklahoma. Actually brought up by a state employee participating in tornado relief. And it and really shows how important it is for our state officers and employees to provide feedback to the Ethics Commission staff and the commissioners, so we can know what those scenarios are and where the rules work hardships. So if necessary, we can change them. So generally, state officers and employees, including board members cannot receive compensation to represent others in transactions involving the state of Oklahoma. There is an exception for lawyers engaged in the practice of law. There's an exception for board members that appear before a different state entity. So as long as they're not appearing before their own state entity, there's nothing that prohibits them from appearing before any other state entity, so long as it isn't the Ethics Commission, which is that fourth point there. So no state officer or employee can represent another person before the state Ethics Commission. And then we have kind of this catch all unless otherwise authorized by law. There are 85, 86 titles of Oklahoma law and the Ethics Commission is well aware. It's one appendix in Title 74 isn't going to address every potential law and statute in the state of Oklahoma and all of those other titles. And so there may be rules that were not -- or laws that we're not aware of, but you should definitely be able to rely on. Next slide. So we can go ahead and advance, thank you. Who is a vendor? So we're going to talk meals and gifts for a minute. So the first one is vendors. And the definition for vendor under the ethics rules is fairly broad, and it's a seller or a prospective seller of any property or a service to the state. And so an example of where there might be a little bit of nuance to this is the provision of utility services. So you don't think about that a whole lot, but you know, the -- whoever provides electrical services or internet services or water to, you know, your particular entity, they are a vendor to the state, but it's not necessarily instinctual and something that is thought of immediately. Next slide. So the ethics rules try to identify, try to draw a distinction between permitted conduct during a purchasing decision and after a purchasing process has been completed with regards to vendors. And so there are different sets of rules depending upon where you are in the process. So when are you engaged in a purchasing decision? It's the preparation of an RFP or bid specs, review, and evaluation of responses, recommendations, approval of requisition. However, there's a threshold that must be exceeded before the rule comes into play, and that's a \$50,000 purchasing decision, and it's a single purchase. So it doesn't mean two \$20,000 purchases, and then that third \$20,000 purchase is now going to

push you into this particular rule, but it's a single purchase. So next slide. When you're engaged in a purchasing decision, the state officer and their family members cannot accept anything, not even a cup of coffee during a purchasing decision, not a thing. And this is again where it may get a little nuanced because you have to be familiar with your role, why purchasing decisions are going on that you may be involved in voting on, or just providing feedback on or engaging in discussion on. And then who was providing something to you, even a cup of coffee and being cognizant of that and not and basically not accept them. So next slide. However, once the purchasing decision has been made, there are some things that officers and employees may accept. So Glenn, do you want to talk about this one a little bit?

Sure. Well, the slide lays out the example very well. This is gifts from successful vendors again. It's after the purchasing decision has been finalized, you can receive a gift of up to \$20 with a \$50 aggregate limit per year. So I guess you can eat at Sam's for the third meal. You're eating more than once -- but more than twice, but it also provides that a gift given for family or personal relationship rather than status to state officer or employee. Also, keep -- it's also important to note, and I think we'll talk about this later. This is a different rule than meals with lobbyists. So the first question you got to ask yourself. If you're going to receive a meal from somebody, are they a lobbyist? Are they a vendor? And then you apply the appropriate rule. There are other non-male exceptions to the prohibition, including family relationships, customary gifts given to all employees of the agency, informational material, et cetera. But I just want to emphasize it's important to be cautious and consult the rules prior to accepting a gift from any vendor. And for sure, for sure, for sure, make sure that is not during the purchasing decision itself because just keep in mind today, we're talking about ethics rules, and we're talking about the application of those rules, but the purchasing statutes carry criminal penalties as well if you violate them. So it's an area that you really need to have a heightened level of attention towards.

Kylie, you can -- next slide. So modest items of food or refreshment. So once a contract has been awarded and a state officer employee may attend an event that may include the vendors and it's being hosted by a vendor so for example, and they have things like cookies and soft drinks laid out or water. And it's not a full meal. It's just some snacks for everybody. While you're meeting state officers or employees don't need to be concerned about who is providing those particular items because they're just modest items of food or refreshment. The key is their given occasionally. So the commission recognizes, one, we don't really want to be regulating modest items of food and refreshment that aren't part of a meal. We

don't want state officers' employees being concerned with whether or not they can accept something at a meeting. But we also recognize that without a limit, that there may be some abuse of that. And so that's the given occasionally. So little funny scenario many years ago and the statute of limitations is passed. I was giving a similar presentation at a state agency, and I won't say which one, but the question was asked when we got kind of -- when we got to this particular slide of, well, what about cupcake Thursdays? And it turned out that they had a vendor that every Thursday, they brought cupcakes to a specific division within the state entity. And so we talked a little bit through that and decided cupcake Thursdays probably don't need that occasional qualification there. There was a lot of disappointment that day. Glenn, I didn't know if you had anything on that one that you want to --

No, I think it's the same rule, and you've covered it well.

Okay. So Glenn mentioned it a little bit a few minutes ago about gifts from lobbyists, and there is an entirely separate set of rules for lobbyists than there are from vendors. So we can go to the next slide. There are three types of lobbyists, and it's important to know that there are these different types. So we have legislative lobbyists and executive lobbyists. And these are the lobbyists that are non-state officers or employees that lobby. They're the legislature or the governor or executive branch agencies. And then we have legislative liaisons, which are state officers or employees that may lobby the legislature. And so most colleges, universities they're going to have a legislative liaison. And so it's important for the regents and state officers or employees to recognize there are two different ways you can be impacted by the lobbyists' gift rules. One as a recipient of a gift, or two as a potential giver of a gift to a legislator. Next slide. So meals and gifts for lobbyists, there's a \$500 per person aggregate in a calendar year for meals, per state officer employee per lobbyist. And so the ethics rules distinguish between gifts from a lobbyist, which is an individual who represents a lobbyist principal or their client versus what their client can use their funds to pay for. So we're just talking about the lobbyists themselves. So they can provide that \$500, and they aggregate per calendar year for meals. They can provide a gift for an infrequently occurring occasion of personal significance. This can be part of -- this is part of the \$500. It's a max gift limited \$100 and or a trinket gift that's given one time per calendar year. It's reported separately or not reported at all depending on the case, and it is not from the \$500 max where the Ethics Commission isn't really concerned with a trinket gift that's given one time per calendar year and doesn't exceed \$10. Next slide. The -- oh, go back one. The non-meal -- the additional requirements for the - - go back a couple. Keep going, one more. There you go. Forward one. Okay, there we go. The additional requirements for gifts, so that infrequently occurring

occasion of personal significance, which I agree is quite the mouthful, is a non-meal gift that is given for a major life event that is significant to the recipient of the gift, not to the person providing the gift. Annual events do not count, so birthday gifts aren't going to account for that infrequently occurring occasion of personal significance. It must be given contemporaneously with the occasion for which the gift is given. So the general list that we use is marriage, birth, adoption of a child, major illness, retirement. Those are all major life events that would qualify. While we have a contemporaneous provision in there, it can also be, or at times when such gifts are traditionally given. So if you're unable to attend the wedding, especially right now, since we're in a pandemic, if there is a wedding shower or just providing the gift through the mail or email, depending on the situation, and that's perfectly acceptable that you don't have to physically be present. And then, with everything else, the lobbyists must actually be present at the meal or the event with the recipient. There are a few reasons for that role that really, we don't need to get into. Next slide. So lobbyist principals. Now, this is the client and not the lobbyist, but the client can provide one time per year, per state officer or employee, a plaque trophy, or similar items suitable per display that acknowledges that state officer or employee's public service. So their service to the state of Oklahoma. It's a max of \$200. It is reported on the lobbyist reports. But again, the key is that it's a plaque trophy or similar items suitable for display. It's not just any gift and that subject, that \$200 max. Next slide. So we went over this earlier in the vendor rules, but it's the exact same in the lobbyist rules that if a state officer or employee is attending a meeting and it's being hosted by a lobbyist or a lobbyist's principal, and they're providing food and you know, refreshments, and that aren't a meal and it's an occasional meeting, the state officer or employee really doesn't need to be concerned with participating, and you know, having that Coke or that glass of tea or that cookie or whatever, you can go ahead and accept it without concern.

So I want to make one comment that is a little bit different on that rule. It's a little bit nuanced. If there's alcohol being served that changes it, it then becomes a reportable offense -- not offense. But it becomes [chuckles] a reportable item.

That's true. So the key that you may not have picked up on, but I've said soft drinks a couple of times on those. So I was differentiating the soft drinks from the hard drinks, which is what Glenn is referring to. However, just so you're aware, those really, well, the lobbyist has to keep track of those hard drinks and the value of those hard drinks. They're not actually reportable to the commission until they exceed \$10. So if it's a happy hour, if the drink isn't necessarily, one drink won't be reported, but that third one might be, or depending on just how much a particular drink is. Next slide. So we have this rule in here. It doesn't actually apply to state

officers or employees, but it comes up, and I have here that Glenn had a note on this one.

Yeah. I was just going to give the example, let's say, you know, a lot of the utilities. They have these community relations people an OG&E or Cox or whoever. And they're like, well, I don't have to report it for these other people. And that's why I think we both have it on our list to bring up to you. You need to be aware there's not an -- the exception applies to legislators, not to state officers or in your role as a region. And so they don't get to accept it. The meal is not exempted under rule 5.9, and it's reportable.

Okay. Next slide. So state officers may accept tickets -- wait, I skipped forward one. You can go ahead and advance one. I was on the wrong one on my notes. So occasionally, state officers or employees are offered tickets without charge to community civic or charitable events. Even when the host or whoever purchased the ticket may be a lobbyist principal. And that's perfectly acceptable with a couple of caveats. One that the, whoever is actually providing the ticket isn't designating who is attending. And it is something that is customary. So for example, a lobbyist principal sponsors a table for a charitable event. They don't have enough people to fill the table or whatever reason; somebody can't go. And they basically turn tickets back to the host of the event for the host of the event to distribute. And so the host of the event may then actually invite state officers or employees, and the state officers don't need to worry about accepting those in that scenario. And that's different from a lobbyist principal handing tickets back and saying, "Hey, if you could provide these two regents so-and-so so they can sit at my table, that'd be great." That becomes a little bit concerning. But as long as it's truly an arms-length transaction, there's really no reason for a state officer or employee not to be able to attend. The next slide talks about -- this is really geared for when a state entity is the one hosting an event. And our colleges and universities here in Oklahoma are just really great about bringing in speakers and having small conferences or big conferences. And you may want to provide tickets that are -- that cause something to legislators or to the governor, so they can see what it is that you're engaged in and participate in the event. They do have this oversight responsibility, as I think was discussed quite a bit in the prior panel. And those can absolutely be provided. And it's two tickets for admission to a conference seminar or a lecture held in Oklahoma and provided to the governor or the legislature. The only caveat is the ticket has to actually be used by the governor or the recipient and one of their family members. There is an asterisk. This is something that isn't subject to a gift limit, and it is also isn't reported on a lobbyist gift report. Next slide. Every once in a while, a state entity, and I know this impacts the universities and colleges, not

infrequently, not frequently, but not infrequently either, where they are sponsoring a conference seminar, and they're actually soliciting funds or goods or services to assist with the costs of that particular event. They aren't hosting it and paying for all the costs themselves who are actually providing the opportunity for others to share in that cost. And if that is the situation, it's fine. There's no limit on that. But the Ethics Commission does require that the costs that are being solicited from outside of a state entity be reported to the commission within 180 days of the event. And so there would be a registration, and then there would be a report that would be filed within that six months. And it would just detail all the entities that provided all the contributions and expenditures for the purposes of that event. The key here though, is if it is being entirely funded off ticket sales, that does not go to require a special committee. It's only when you're actually soliciting sponsorships for different things, not just selling tickets to help offset the cost. So next slide. There are rules regarding gifts within the chain of command, so to speak. So gifts and solicitation of gifts for a superior are prohibited under the ethics rules. Next slide. There are permissible gifts, and so when there's a personal relationship between the giver and recipient that's outside of state business, and it's very obvious, then there's really no reason to have a restriction. And then, of course, you have those occasional bases when gifts are ordinarily exchanged with a \$20 max, and actually, you can't just provide cash. And then those events where food and refreshment are shared, so like a holiday meal is something that happens quite frequently, or there's a potluck. We have election season coming up. Sometimes if we know, we're not going to be able to leave the office on a reporting deadline. Like today my office, the employees will bring in food to share amongst themselves. And that's all, permissible. Next slide. And then, of course, we have the infrequently occurring occasions of personal significance and personal hospitality out of either residents and the basically bringing of a host or hostess gift, which is just a customary gift when you attend an event at a private residence. Next slide. And we can skip forward a couple. The conference. So we have these rules regarding the attendance of conferences and it distinguishes about, you know, who's going to the conference and in what capacity. Are you going as a speaker or a panel participant? Are you going just as an attendee? How is it being paid for? And what can you accept? So when you register for a conference, and you're an attendee at a conference, it isn't unusual for you to get a gift bag of things from especially, if it's out of state that are unique to the city, that's providing the conference or hosting the conference. And it's fine. State officers or employees don't need to be concerned about where those gratuities and hospitality are coming from as long as it's being provided to every recipient at that conference. Next slide. When a state officer is invited to speak or participate on a panel at a conference, they can accept meals, transportation, lodging, free attendance on the day of their

speech or their panel. The only key is it has to be something that's made available to all speaker or panelists. So as long as it's just something that's being provided to all speakers and panelists, there is really no concern about accepting those particular items. Next slide. So, on this particular one, if you go back, the only thing that's added to this is the designation of spouse. So occasionally, if you're going to an out-of-state conference, you may want to bring your spouse, and your spouse can attend, and they can accept free attendance on the day of your -- to the conference on the day of your speech or panel, and they can add participation. Those are the things that are provided to all of the speakers and panelists, and attendees at the conference. But what they can't provide is they can't accept is travel. Travel is something that has to be borne personally by the state officer or employee. Next slide. So attendees that are representing a state entity as a speaker, like at a luncheon, and you give your speech and then you get done and they want to hand you a token gift, a water bottle here is being -- is the gift that's being provided. The state officer employee shouldn't be concerned with accepting that. It's something that happens regularly. The only key is that you are representing the state entities. So there is this acknowledgment that the state entity has authorized the person to actually appear for that state entity. And then what the token that's being provided can't actually be cash or cash equivalent, which is a gift card. Next slide. Private business activities. So here is where the ethics rules start to recognize that there are, you know, state officer employees that do not fully or not fully employed by the state of Oklahoma. That is not the only thing they do. And they may have private business engagements. And when you have outside employment, you can absolutely accept meals, transportation, and lodging from your employer so long as it's not given or enhanced because of your position with the state, and it's the same for your spouse. So you can go with your spouse through their business activities so long as it isn't being offered or enhanced because of the state officer employee's position with the state. The next one I'll cover quickly. I know we're kind of running out of time. Scholarships and grants. So -- -- activity that began showing up a few years ago when the state was really in a budget crisis, and this is a national nationwide trend, but not just a state of Oklahoma trend, but in order for it, it needs to be able to go to conferences that host of the conferences started offering scholarships and grants to help the states and sending their officers and employees to participate in the conference. And that is perfectly okay. There just maybe a report that's required with the commission. But when it's provided by a government of some type or an entity to which the State of Oklahoma pays membership dues, then the receipt of a scholarship or grant or subsidy in order for that state officer employee to attend is not required. There is no report to the ethics commission required. Next slide. A report is required. However, if it is a scholarship per subsidy provided by an entity other than the government or an

entity to which the State of Oklahoma pays membership dues. And the rule, the language specifically used in the rule is when the scholarship or grant is provided by a bona fide governmental, professional, or business organization. And if the scholarship is provided by one of those entities, then there is a scholarship due within 30 days from the last day of the conference. The caveat on this is unless you're an elected state officer, it does have to be signed. The form itself has to be signed by the chief administrative officer of the entity. So just be cognizant of that. What we don't like is or a conundrum that some state officers find them in is, it's the 30th day. They have their report due. It needs to be signed by a chief administrative officer, and that chief administrative officer is out of the office. So just one of those things to be cognizant of and know upfront, it does require the signature of the chief administrative officer. I know we are very short on time. The next one, the next few slides, are really about political activities. It's an election year and the use of funds property, or time for political purposes or advocating for, or against, or just for, or against state questions or for, or against candidates running for office. And generally, you can't use public resources to engage in that activity. Let me think, go to the next slide. There is one. Yes. Okay. So the very last point on this. I get calls on this during legislative session, not daily, but at least weekly. The use of property, time, and resources that prohibition on influencing the results of an election does not include advocacy for or against legislation, which I get a lot of questions on. However, just be mindful that if you have -- if you are using a state email for example, to advocate for, or against legislation, it may actually end up triggering a registration and reporting requirement with the ethics commission because you may be at that point acting as a legislative liaison. And I saw Glenn nodding on this one. So I know that's something that comes up frequently for him as well. I tend to suggest to the staff of the colleges and universities to have really good email policies that spell out how that email can be used.

Well, and let me just add, email is the cause of a lot of -- it's not on topic today, but you as regents, a natural inclination is to email all of your fellow regents in a group email. Please don't do that. You're going to trigger the Open Meetings Act and those sorts of things. So email is not normal when you're wearing a state actor hat.

So there are other slides. What I know if you are the recipient of a solicitation at the state email or at your state office for a political solicitation for funds, for a political party or committee or something, what do you do? You don't have to do anything. You don't have to respond. You can respond and say, this is a state email. Please don't solicit me again. If it's a subscribe at a subscription list your email has ended up on. You can unsubscribe to it. You can use your state-issued computer to

unsubscribe. And then Glenn mentioned one exception to all of the ethics rules earlier, and that's our emergency relief and rescue efforts. And don't need to be concerned about accepting anything from lobbyists, principals, or vendors that may be providing meals and food, but there's also another exception for gifts and it's a waiver. And it's for anybody that's impacted under those gift restrictions for conflicts of interest by a vendor or by a lobbyist or lobbyist principal. And so there is a mechanism for state officers to ask the ethics commission to waive, but specific ethics rules as they apply to that person or somebody that is restricted under the ethics rules and under the gift-giving requirements. It's prospective only, so it has to be requested before it can be relied on, requested and voted on at the commission before it can be relied on. And, but that's, for example, a waiver at the lobbyist rules is something that comes up fairly frequently. If a state officer and a lobbyist happen to be related, husband and wife, father-daughter, automatically a waiver is granted, and the rules don't apply. So I will end on that. Glenn, do you have any comments or anything else to add?

No, certainly will allow for a minute or two in case there's a question.

All right. Again, great presentation, Ashley and Senator Coffee. I might ask Kylie if we have any questions from our audience?

Right now, I do not see any questions. If you would like to ask a question, you can use the raise your hand function by clicking the little hand icon, or you can type a question into the Q&A box.

Let me pose one while that may be occurring to both Ashley and Senator Coffee. A lot of -- from a Regents' perspective, you've just gone through a very thorough and comprehensive presentation of what they need to be concerned about, which is extremely helpful. If you're a regent and you get into what may be a gray area on this, what would you both recommend every regent board has attorneys, or would the first step be to talk to the attorney for the board? Should they do that initially before they contact the Ethics Commission? Or what recommendation do you have if there is a question on how regents should proceed in order to make sure they're complying with ethics rules?

So it's funny when I was counsel for the house, I told all my members to -- if they had a question for the Ethics Commission to always come to me first and let me act as the liaison. So I could take really good notes now that I'm at the Ethics Commission. I am saying the same thing, please come to me first. If you have any questions and the reason why is when the rules have been completely rewritten

since I've been here at the commission, but also the commission is the body that's going to be interpreting and enforcing those rules, and that created the rules and can provide the policy behind them. And too many times, we've had state officer employees, candidates that have relied on outdated material, or just an -- there isn't a familiarity with the ethics rules and those nuances, and we talked a little bit about them. And so I would really urge you to contact my staff and my office directly. I would also encourage you to do that earlier, rather than later. So not waiting until the day of -- we are a staff of six right now, and that's not looking like it's going to increase any time soon. And so I need enough time to actually be able to respond. And so that's taking a lot longer than it usually would. But phone calls, emails that's -- reach out directly to [inaudible].

Okay. Glad to hear that. Ashley, Senator Coffee, any additional comments on that?

No, I would just say Ashley's predecessor had a good line that I think still applies. He referred to himself and said, "I'm not your confessor. I'm not a priest. So come and ask questions before." So I would just reiterate what Ashley said. And that if for some reason you aren't able to communicate with them, you know, find somebody that's familiar, if you have local counsel or somebody that keeps up with the ethics rules. But communicate and find out the answer and do it before the action. Some things can't be cured after the fact.

Right.

And Chancellor, at the very beginning of that presentation, I realized that the best friend for a state officer or employee is the ethics website. We really make effort to keep that up to date and the materials and resources on there up to date. And so in that guide, it uses layman's language, it references what rule applies, and then it provides actual examples of how the commission has applied the rules so that those common scenarios that keep coming up are already answered. And so that's really a good place to start as well.

Okay, great. I appreciate that response from both. Kylie, have we had any questions come in from our audience?

We have not, Chancellor.

Well, okay. I would say then we're right on time. I would ask our audience, we've had good numbers all day, and they continue to be large. So we appreciate very much the insight in a short time period. Both of you have really covered the

waterfront, and this is an extremely important issue. It's important for us and providing this continuing education to regents to make sure they're aware of what they need to know in the area of compliance with the ethics rules and regulations. And as many of them are taking on this responsibility for the first time, this is an area that they may not have dived into before. So great presentation, the visuals were good, and we just very much appreciate your expertise and your willingness to be here today. So I'd ask everyone to join me in thanking Senator Glenn Coffee and Ashley Kemp, the Executive Director of the Oklahoma Ethics Commission for an outstanding presentation this morning. Let's like both of them at this time.

[Applause]

Thank you.

Appreciate both of you. And you're certainly welcome to sign off at this point, but thanks so much for being with us this morning.

Thank you.

Okay. I think now, Kylie, I believe we can take a brief break, and then we will continue with our final segment for the morning in five minutes. So we will beginning now I'll take a five-minute break and then be back in five minutes. Thank you.

Chancellor, I believe we're ready to resume the webinar.

Okay. Welcome back. And we will now continue with our last hour of the Regents Education Program Conference today. Our next segment we'll cover the fundamentals of the Open Meetings Act and the Open Records Act to help us through the intricacies involved in open meetings and open records. We've invited Ms. Niki Batt. Niki joined the Oklahoma Office of the Attorney General as an Assistant Attorney General in 2010 and the Medicaid Fraud Control Unit, focusing on time on civil litigation. She represented the State of Oklahoma in over 200 actions brought pursuant to the Medicaid Fraud False Claims Act. In 2019, Niki was named Vice Deputy Attorney General and Director of the Attorney General's legal counsel division. Legal counsel division provides legal services to over 100 state agencies, boards, and commissions. Prior to working for the Attorney General, Niki spent six years practicing law in all phases of insurance, defense litigation, and medical malpractice defense litigation. She's a member of the Oklahoma Bar Association admitted to the district courts for the Eastern Northern

Western districts of Oklahoma, U.S. district courts in Arkansas in the Eastern Western districts, U.S. Court of Appeals for the eighth circuit, U.S. Court of Appeals for the 10th circuit. Niki holds a Bachelor of Arts degree in political science from Oklahoma State University and earned her Juris Doctorate degree from the University of Oklahoma, College of Law. We're very pleased to have her with us today. So please help me welcome virtually, Niki Batt. Welcome, Niki.

Good morning. Let me take just a moment and see if -- I can't get my PowerPoint up for you all to see. Well, it might not be working for me.

Niki, I can pull it up on my end and bring this for you.

Perfect. Well then, so today we have quite a bit of detail to cover in a short amount of time. And so I will go fairly quickly through a lot of this information, but it's a fantastic time to have this training. Because as many of you know, many of you have been regents for some time. We've recently experienced a change in the way that we conduct our open meetings in light of the pandemic in COVID-19. But in just a matter of weeks, we're going to shift back into the true provisions contained in the Open Meeting Act. And so today, I'll focus on the traditional open meeting framework, as opposed to the framework that we've, I say enjoy, others might have a different interpretation of that, but the ability that we've had over the last few months to join virtually in a relaxed fashion and to meet in different areas both in-person virtual and telephonic. And because as of November 15th, those statutory provisions are expiring, we are going to do a reminder about what the true Open Meeting Act is and the way that we proceed according to it. And so Kylie, I'm moving on to slide number three. And the biggest part about the Open Meeting Act is transparency. And there are certain common themes between both the Open Meeting Act, which we'll cover now as well as the Open Records Act, which we will cover in the latter half of this hour. But transparency is key for the public to view. Thanks, Kylie, to be a part of the public process. And so the Open Meeting Act is found in Title 25 at Sections 301, 314. And then moving on to slide four, the overview. This is a quick overview of what we'll discuss as we learn about the Open Meeting Act. But so we'll be discussing when is the act triggered, what actions must be taken before you can have a public meeting, what procedures you follow during the meeting, and then again, consequences of failing to abide by the Open Meeting Act. And so then, let's look at slide six. So the Open Meeting Act is triggered any time a public body meets under a regular meeting, a special meeting, an emergency meeting, or a reconvened meeting. And we'll talk about the particulars of each of those four different types of meetings. But the act applies when a majority of a public body are together and the public body is conducting

the business of the public body. And so then, you know, we've got lots of public body in conducting business. And so we need to know what are these terms mean? And so public body and meeting are both defined in the Open Meeting Act, and we will discuss what a public body is on slide seven. So a public body is defined in statute, and it is any governing bodies of municipalities, boards of county commissioners, boards of public in higher education. and so the regents, you all are public bodies and public officials of the State of Oklahoma, and then boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts and committees or subcommittees of public bodies that are supported in full or in part by public funds or are entrusted with the expanding of public funds or administering public property that is a public body. Now, public body does contain a few exceptions. And so public bodies specifically by statutes, does not include the judiciary, legislature, and legislators or the administrative staff of public bodies. And so this could include your athletic staff meetings or faculty meetings of higher ed, specifically when those staff personnel are not meeting with the public body. And then, there are other exceptions to a public body that are set out in statutes, such as the council on judicial complaints and the stewards of the Oklahoma Horse Racing Commission. And again, we're doing a very general overview of the Open Meeting Act. And so it is important for you all to know that while we're looking at the 10,000 foot level of the OMA, it's also important to know that there are specific statutes and provisions that apply specifically to the regents of higher ed. And so you would always want to know what is the OMA required. But also, what are the exceptions that applied to the regents? And we'll sneak in as many of those as we can. But because we are on an abbreviated timeline for this particular presentation, you'll see that the PowerPoint and the slides are robust. And so, to the extent that we don't get to address a particular item, you'll have it within your slides so that hopefully you can go back and reference it, later on, should you forget. Okay. So we also need -- we've talked about what is a public body, and now we need to talk about what is a meeting. And so the meeting is defined. But when that the public body is conducting the business of the party by a majority of its members. So frequently, we talk in terms of quorum. Do we have quorum. But under the statute, it's really written as a majority. And so are a majority of your members together to conduct the business of the public body, then the OMA is triggered. And so again, we're talking about the older, the traditional version of the Open Meeting Act. And so we're at this point, looking at we're physically in the space together or by teleconference, which is what it's labeled as in the statutes, but really this is a video conference. It needs to both have visual and audio capacity. And so as we're talking about a teleconference today are more likely reference it as a video conference, because I think that that more accurately describes what it is for our present-day

understanding. So a meeting does not include informal gatherings where the business of a public party is not discussed. Open Meetings Act, we cannot discuss - we can't take any action via electronic or telephonic communications. I heard Ms. Kemp and Mr. Coffee talking about avoiding email discussions. And that is an important piece of advice as you're moving forward. In today's communication methods, we commonly defer to email, and in lots of business and decisions are done via email. However, when you're acting as that public body, those decisions are to be made in an open meeting, and so email, telephone communications are not an appropriate mechanism to do that. So a lot of times, we get a question about what would trigger an open meeting. And so if you think about it in terms of the regents have just concluded their agenda, and they're removing themselves from the open meeting, and somebody wants to grab a great lunch, does this trigger the Open Meeting Act? And so I think that the answer here is that more than likely it's not going to trigger the Open Meeting Act so long as the regents keep in mind that you cannot discuss the business of the university and outside of that public meeting where the public is invited to attend and to observe. But on occasion things, topics can come up, and that might -- the group might get together and inadvertently start discussing some of the business of the body. And so a practice tip is to announce it at the end of the meeting, that the regents will be dining together and invite the public to attend should they choose to. But otherwise, the regents are reminded to avoid discussing any business of the college, the university at that first board meeting lunch. Okay. So what actions do we need to take before we can have a meeting? And the most important components to this are notice and the agenda. And although these two concepts coincide with appropriate notice to the public, they're really distinct action items. And so notice means that you have given notice to the public at large via designated places in advance of your meeting. And so for the regents, that's going to be, did we give the Secretary of State notice that we would be meeting? And then prior to the meeting occurring, you have to have posted an agenda. And that agenda is going to let the public know what will be discussed at the meeting, and we'll move into each of these individually. So we talked in the beginning about the four different types of meetings. And so that's going to be your regularly scheduled meeting, your special meetings, your emergency meetings, and then continued or reconvened meetings. And so let's talk more about what is a regularly scheduled meeting. And this is going to be a list of meetings that the body intends to hold that are pre-designated for the calendar, the upcoming calendar year. And these regular meetings are posted in this particular instance with the Secretary of State annually or by December 15th for that upcoming calendar year. And so I'm sure that you all have had experience wherein you start looking at what's the next calendar year going to be, that's provided to the Secretary of State, and then your meetings are set for that upcoming year. Your

regular meetings will be set. So that's going to include the date and time of the meeting as well as the location. Even though we have our regularly scheduled meetings set December 15th before the calendar year, they can still be changed so long as you have 10 days' notice to the appropriate office. And so we've talked a lot about the Secretary of State that might also be the County Clerk or the Municipal Clerk depending on what the body is because you all tend to post with the Secretary of State. I will just defer to that generically, but please know that if you're on any other board or commission that would be to the county or to the city. Okay. And that's -- this slide 17, it's talking about that to whom is notice given. And again, it's the Secretary of State, the county public bodies. Then you're going to provide your meetings to the county clerk, or again, if you're a municipal body, you're going to give that to the municipal clerk. And so then the next slide is just, it's a quick preview of what it looks like when you give your notice to the Secretary of State, and that is on slide 18. All right. One other thing about regular meetings that's important to note is that this is the only type of meeting where a public body can take up new business. If you have not posted appropriately, or if we have a need for a special meeting or for an emergency meeting, there is a lot of business that can be done in those meetings, but new business is just simply not one of them. And so that's why it's helpful to make sure that you're getting in your annual notifications for the regular meetings so that you do have the opportunity to take up new business should you need to, and we'll talk a little bit about that in some upcoming slides. Okay. So now let's move on to our second type of meeting, and that is a special meeting. And a special meeting is any meeting that is not scheduled as a regularly scheduled meeting, or it's not an emergency meeting. And so this might occur if some businesses come up from the time that you had your regular meeting and you just can't quite wait to get to the next meeting, that would be an appropriate time to utilize that special meeting. So the difference between a special meeting and a regular meeting comes in the form of how much notice is required. And so we still need to provide notice to our Secretary of State or to our county or municipal courts by a designated time. So special meetings have to have 48 hours advance notice, and this is going to exclude your weekends and state holidays. And so whenever you're thinking about scheduling that special meeting, you need to be very cognizant that you have calculated in Saturday and Sunday. All right. So again, special meetings, no new business can be taken up on that agenda. All right, now let's talk about what an emergency meeting is. An emergency meeting is something that just can't wait. Okay. And so these are usually very rarely necessary, and they are defined in statute that it is, it's a situation that's going to involve injury to person or to property or damage to public or personal property or immediate financial loss. So those are your -- when you're thinking about is this appropriate for an emergency meeting? You need to make

sure that there really is some tangible harm to a person or to a property or to the financial stability of the public body. And so the emergency meetings, we know that that they happen quickly. We have to respond quickly. And so we just don't always have the luxury of notice in these specific situations. And so what you need to do is think about that reasonability test. Give as much notice as you possibly can to respond to that emergency situation. And then you should either give that in person or by phone if you have that option or by electronic means. So use your website, use your distribution email services, and get the word out to the public to the best that you possibly can. So the emergency meetings, if you think about when you might use this, it's going to be a fact intensive analysis, but some -- a time where you might use an emergency meeting would be to respond to perhaps a flood in one of the buildings that has made it impossible to utilize and so you need to get everybody together to figure out what are we going to do about the repairs and how are we going to educate the students in the interim while we're responding to this emergency. Something -- another example could be tornadoes, but where you're looking at injury or damage to public property. All right. And then continue to reconvened meetings. These are just simply when for whatever reason, it could be that your meeting space is too small, or it could be that the agenda ran very long and we simply ran out of time that you might need to reconvene your meeting. And so the key to properly holding a continued or reconvened meeting is to announce prior to the end of the originally scheduled meeting, that you're going to continue or reconvene the meeting and state the next date and time and place where you will hold that reconvened meeting. And so again, let's talk about some examples. And in the education arena, it could be that an agenda item has an immense amount of public interest. And so the meeting space that you originally chose just no longer would accommodate the population that's there to observe the meeting. And so you might reconvene or take a break for five minutes so that you can gather together in a larger meeting space. And in that instance, you would simply tell the participants that you're going to reconvene in five minutes in room A at 3:05 so that you can go ahead and take up that agenda and hold your meeting in a size that is more conducive to the public that wants to participate. Another example would be that if 11 o'clock at night, everyone is tired, and you simply need to reconvene to the next morning so that you can conclude all of the items on the agenda. And then possibly you might have lost a majority of your members, and so you need to reconvene until a time when all of the necessary public officials are present. Okay. Okay. And so on slide 23, we're talking a little bit more about notice and agenda. And again, that this is a reminder that we need 24 hours excluding Saturday, Sunday, and holidays, and this is a full 24 hours. And so if your meeting is scheduled for 10 o'clock in the morning, you need to make sure that you have that full 24-hour notice on your agenda, that the agenda was in view for a full 24 hours prior to the

meeting time. Okay. Are we back up and running? Okay, great. So in this hypothetical example, we have a meeting that's on a Monday. And so what we've talked about is that you have to contemplate that we can't utilize the weekends and the holidays. And so this agenda would need to be posted that Friday before, a full 24 hours prior to that meeting. And for a special meeting, you need to provide notice 48 hours in advance. But again, you just need to pose that agenda 24 hours prior to the meeting. So where do you post the agenda? We've talked about how do we give notice? So now let's talk about how do you appropriately post your agenda. And the way that you do that is there are two ways. And so the first way is where you take your agenda to the door of the building, to the exterior door of the building. And the reason for that is you want to make sure that it's in view for the public a full 24 hours in advance. And a lot of times we'll speak in terms of the dog-walking test. And so if I'm out at midnight and I'm walking my dog, and I happen to be walking around the Capitol, because that's close to where I am right now. And so if I'm walking around the Capitol and I'm interested in, and what are the upcoming meetings that will be occurring there the next day, I might walk my dog around and look at the signs on the door, and I can get a feel for who is meeting and what are they discussing so that I can determine whether or not that that is something that I am interested in and want to take time to go and observe. The second option is that if you have a website, you can post your agenda on your websites, but you also then need to email that agenda out to your distribution email list. And so that's anybody that signed up to follow your institution if they have signed up to be provided notice in advance of meetings that would go out to them as well. Frequently this might be your donors, your students, or the media in your area that are interested in the business of your college or your university. And then, in addition to posting on your website and providing to your distribution list, you still need to go ahead and post it at your reception counter. And so that it's available during normal business hours, but it doesn't have to be posted on that exterior door. Okay. So does an agenda need to include? And the agenda needs to contain sufficient information so that the public can identify the items of business and the purpose of the business that will be before that public body. You need to word it in plain language. So it's supposed to be simple and concise for an ordinary person to understand. And so a good rule of thumb is to step back and not look at it in the eyes of somebody affiliated with the institution, but rather to view it in the lens of the public at large, so that the public can know whether or not topic of interest to them is on the agenda and whether or not they would like to attend. And so the way that we think about it is many of us have children. Many of us have jobs, and many of us have hobbies outside of our work. And so to give up that precious time, it would be important for us to be able to know what will be addressed and whether or not it is something that we feel that we would like to

participate and to view. Okay. You cannot take any action if it's not on the agenda. And so we always advise that you put anything you might possibly want to do on the agenda so that you have the option to take that business. But if it's not on the agenda, you can't do it. Okay. And another time tip is that executive directors reports frequently you might see on the agenda executive director reports. But it would be -- a best practice tip is for that director's report to actually indicate and on slide 26, indicate that what will the executive director talk about in his report to the regents? You know, a little bit of detail. It doesn't have to be a narrative, but certainly, bullet points of what you might talk about. In addition, if the public body intends to hold an executive session, that is something that must be listed on the agenda in order to take up, and you would list that as proposed executive session. All right. We've talked briefly about new business. New business is any matter that could not have been known about within the 24 hours prior to the posting of the agenda. Again, this is only allowed at regular meetings. You should always list new business if you're in a regular meeting on your agenda. But you don't always have to take it up. And so this is another example of those things that come about infrequently, but you always want to make sure that you have the option to take up that new business, should something come up. And again, new business is something that's truly come up over the last 24 hours. It's not something that you've done for convenience or, you know, we've learned about, but we had already posted our agenda well in advance, and we didn't want to redo it. That's not new business. It's something that's come up within that last 24 hours that could not have been anticipated. All right. So during the public meeting, we need to record the vote of the members of the meeting. Okay. And so but that is the point of an open meeting is so that the public can see the decision-makers that are receiving the information and how they vote. And -- so when a public body is holding a meeting, they need to -- the members of the body have to publicly cast their votes, and it has to be reported. And you're going to record that in the minutes of the meeting. And so the minutes of a meeting are the official summary of the proceeding. And this truly is a summary. It's not a transcript of the proceedings, but you're going to, in that minutes, you're going to see the members that were present and absent, or in the event that a member had to leave early, that will likewise be reflected in the minutes. Then any matters considered before the public body are discussed in the minutes, and any actions taken will be reflected in those minutes. They should also reflect the time and place, the manner that notice and agenda were posted so that you can reflect that it was in accordance with the Open Meeting Act. Minutes must also be taken in executive session. However, minutes that are taken in executive session are not -- they can be kept confidential from an open records request. However, they do have to be taken. All right. During that public bodies meeting, the public body can choose to allow for public comments, and public comment is

not required. But several or certain bodies would like to get the input of the public, and that certainly the option. And if you do allow for public comment, I would advise that you have a policy for how public comment will be held and then put that on your agenda for your meeting. So certain examples of policies that you might adopt with regard to public comment would be that you might set a time limit, or you might require that the public comment be related to an item on the agenda. But again, it's important to note that during public comment, we have a tendency in our normal conversations to engage with the person that is addressing the public body and just to caution you to hear the information that the public is speaking on, thank them for their comments, but try not to engage in a back and forth because you might inadvertently go off-topic of the agenda and then subsequently be accused of violating the Opening Meeting Act. Okay, let's go on to slide 36, and I will need to be brief. So executive sessions. Executive sessions are something that public bodies can engage in. This is an exception essentially to the Open Meeting Act wherein the public body actually gets to go behind closed doors for a discussion without the public view. These executive sessions are statutorily outlined. And you can only do it for limited purposes that are outlined by statutes. And something that's also of note to the regents is that to go into executive session, that actually has to be a unanimous vote of all of our regents for that particular board. Okay. So a couple of examples of when you might use an executive session, and that would be if you were needing to talk to your attorneys about a pending claim investigation or matter, but this needs to be -- this can't be a hypothetical. This needs to be specifically related to an investigation or litigation that you are able to outline on the agenda. And that also needs the attorney to determine that public disclosure of the information would seriously impair the ability of the board to process the claim at interest. Okay. You might also use an executive session if you are talking about the employment of a specific position, such as the president of your university. And so you need to be able to list that executive session to discuss personnel information specific to either a person or to a position if it is sufficiently specific enough to allow the public to know who you're talking about. All right. Let's go ahead and skip down to teleconferences. And as we talked about in the beginning of the presentation that the Open Meeting Act does allow for limited instances of members to meet at two different locations. And again, in our pandemic world, this was very easy to accomplish. The members could all be at their homes or their offices and still get together. But now as of November 15th, we are going back to our more traditional approach. And that is that the members of the public are going to meet at a main meeting sites. But in the event that it's impossible to get everybody together. You might choose to have a second location where members of the body can congregate. And so it's an important thing to note. However, that that secondary site must also be within the jurisdiction of the body.

It must also be listed on the agenda, and that the public needs to be welcomed to participate in the meeting from either location. And so it would be difficult for a member to participate in a meeting from their home while their remainder of the body met at the college or the university, for example, because you wouldn't necessarily want the entire public welcomed into your home. So again, it needs to be in an offsite location that is open to the public as well. And then, the agenda also needs to identify the members and where they will be participating. Okay. So let's very quickly talk about consequences that can ensue from a violation of the Open Meeting Act. And the key to a violation is, was the Open Meeting Act violation was it willful? And so willful is defined by statute as essentially that it does not require a showing of bad faith, malice, or wantonness, but rather it is a conscious or purposeful violation or blatant disregard by somebody that knew or should have known. And so that is what we're looking at when we're talking about a willful violation. And so the penalties can range between civil penalties, where the board or the body would be subject to a civil action. And any action taken in violation of the Open Meeting Act is invalid, and it might also risk the minutes of the executive session being made public, and attorney's fees can be awarded in these lawsuits on the civil violation. Okay. And then, finally, there are criminal penalties for a violation of the Open Meeting Act. I don't want to harp too much on this because I know obviously the bodies do the best to take actions of the meeting, but it's important to know that it can be a misdemeanor offense, where they fine up to a \$500 or one year in the county jail. Okay. So that would wrap us up on the Open Meeting Act. Does anybody have any questions at this time on the Open Meeting Act?

Do we have any questions from our audience on the Open Meeting Act for Assistant Attorney General Batt?

And as a reminder, you can raise your hand to ask a question out loud, or you can use the Q&A or chat box.

Niki, I might ask one while our questions are developing. In your view in terms of the virtual option that public bodies have had since the legislature granted that during the legislative session 2020, which ends as you pointed out the option for a virtual Zoom meeting ends on November 15th of this year, just a couple of weeks from now. In your view, what is the likelihood? I know Senator Treat, the President Pro Tem had an interim study on possibly extending the provisions of the Open Meeting Act. In your view, what's the likelihood that when the legislature gets back in session in February of 2021, that they might extend the virtual or Zoom option for public body meetings when they get back in session?

Well, I think that that's an interesting question and really just to be determined. Certainly, they did have that interim study and for those of you that are interested, you can find the interim setting on the legislature's website. And it was very interesting, and certainly, it looks like there is some support for bringing these laws up to comply with what our technology is now, but certainly, it's not a one size fits all. There are definitely some perspectives there that really appreciate the being in person. And so I think that you might see a change, but I don't think that we'll be looking at, you know, essentially a carbon copy of what we saw during the pandemic. And so there might be some flexibilities there at some point, but it really was an interesting study to watch and to listen to, and just to see that different perspective in how people view engaging with state officials, regents, and people who're members of the board. They want to be able to be there in person and to watch them and to really know who was voting and then to be able to, you know, ask questions as appropriate later on to their representatives.

Well, we appreciate your response. And I think you're right. We'll just stay tuned to see what happens when --

It's interesting.

-- to get back in session. I think if I recall, I think city government, and in the city of Tulsa also posed the question to see if that would be -- continue to be an option that's available, so --

Yes, and I mean, I certainly, I think that people are seeing that November 15th, and we're curious if it would be extended prior to that expiration of November 15th. But at this point, I guess like to be determined, and if it doesn't happen before the end of this year, perhaps we'll see some change in the next legislative session or at least discussion, but for those of you interested, I think that that interim study really is enlightening and it's available to you should you want to check that out.

Okay. Kylie, do we have questions?

Yes, I do have a question from State Regent Jack Sherry. His question is, should the board members receive the board packet 24 hours before the meeting?

I think that, that makes sense. And a lot of times you'll defer to your council and the people that advise your board or your commission. Because they have an opinion on what you would see in advance, depending on what's on that agenda.

And so if it's something that's in an individual proceeding, for example, it might not be appropriate for you to have that full range of information prior to hearing the information during the board meeting. And so I think that that's a great question for council depending on what's on that agenda. And I realize that that is an attorney answer, and I apologize for that.

So check with your general council in advance of the meeting to get a --

Yeah, if there is any concern about seeing something that might be sensitive information prior to it actually being admitted, for example. If you're in an individual proceeding, then you might not want to get access to that information in advance. But otherwise, you know, especially under the pandemic rules and the public had access to the information. And so it was a great way to go ahead and get the public on board as well as the board members on board. And so I think it depends on what is on that agenda item.

All right. Kylie, any other questions?

I am not seeing any other questions right now. No questions in the chat or Q&A, and no one has their hands raised. Just as a reminder, I will be making all of these presentations available to everyone through a link that will also come with a survey. Again, and if you could take just a couple minutes to fill out the survey that would be greatly appreciated for us.

And I will say that I was supposed to speak on the Open Records Act as well. I can give just a five-minute overview of the Open Records Act. And then again, you all have this information. Kylie, I'm assuming that they have the PowerPoint. If not, I'm happy to give it to you, or it is available on the Attorney General's website.

Yes, I did make it available this morning Niki, to the registered attendees, but I'm going to send it out again.

So Niki, why don't you give us say a five-minute executive overview.

Five-minute overview, yeah.

Yeah, that'd be good.

So for the regents typically whenever we get in an open records request, that's going to go to a designated individual within your college or university. If you

don't have that designated individual and you're in a position to affect that change, I would certainly recommend that you all have an individual that's designated to both receive those open records requests as well as to provide the response. And so that person will be in a position to know how to respond, will engage the assistance of legal counsel if it's necessary. But for you all to know that open records of the public body or records of the public body, I'm sorry, are open. And so keep that in mind when you're emailing or when you're sending text messages. It doesn't matter who owns the equipment. It matters what is the substance of the conversation? And so if you use your personal cell phone, your personal email to discuss the business of the college or of the university, that can then convert into an open record. And so you always want to be cognizant of that when you are communicating. We've already talked about the perils of email when you're communicating as a public body, likewise, with text messages. And so keep that in mind, whenever you're conducting business, it needs to be in that open meeting in the event that you did need to pass a communication. We've talked about avoiding the email, but if you had to email somebody, you know, send it to yourself and then use that blind carbon copy function to send it out to the group so that it's not as easy to reply all. That's both addressing and of the meeting concern as well as the open records request because if it's subject to release, then of course you got certain protections there that help how -- why you did what you did. Okay. So we've talked -- if that's all you take from the open records piece, then I think that you're good just to know that your information could be disclosed. But the purpose behind the open records is just the -- upon the citizens, have an inherent right to know and be fully informed about their government. And so records are anything that contain information. And so it's books, papers, tapes, discs, video cameras, potentially on a dashcam, for example. And so it's got a very broad reach on any information that is contained within that public body, the college or the university. And in fact, the Open Records Act actually outlines what is not an open record, and that's going to be personal effects, financial information, and certain computer software's. And so it's very broad. And then it has to be in connection with the transaction of public business, the expenditure of public funds, or administering of public property. There will be certain exemptions from the Open Records Act. We talked a little bit about the judiciary, the legislature, and bodies, such as that, have an exemption, but for you all the majority of your information could be subject to open records. Obviously, FERPA or student records are something that we're all concerned about. If it has a federal protection, you're not going to have to turn that over typically in an open records request, but otherwise, you might -- you want to consider that the records that you generate will be open unless there is an exemption or an exception that protects that information. And so information that has -- contains the confidentiality will not be subject to the open records, but the

presumption is that the record is open unless there is a privilege or an exemption that protects it, but that burden of proof is always going to be on the body that is claiming the privilege. And so just bear that in mind that when we're withholding certain information, that we have the burden to establish that we have the right to do that. Okay. That is a very, very fast overview of the Open Records Act. More information in the slides, but I'm happy to answer any questions that you have. And then, for those of you that we do have the pleasure of assisting as general counsel, feel free to reach out to me as well.

Okay. Do we have any questions of Assistant Attorney General Batt on the Open Records Act? Kylie, any questions in the queue?

Chancellor, I am not seeing any questions.

It's lunchtime.

Well --

[laughter] It's been a long morning, Niki.

Yeah.

With that, let's take this opportunity virtually to thank Assistant Attorney General Niki Batt for a very informative presentation on both the Open Meetings Law and the Open Records Act. So let's thank her virtually at this time. Niki, great presentation and very helpful, and your slide deck also will continue to serve as a great guide for us. Thanks again. Let's thank Niki one more time as we closeout. I also would remind all of our regents and others in attendance this morning, we will have one more session, which will be our final session next Monday, November 2nd, beginning at nine in the morning. Governor Kevin Stitt is scheduled to provide keynote remarks during this session which will be next Monday, beginning at nine o'clock. So we hope we have a large turnout for that segment. Would remind everyone on the call by completing all of these sessions, you can receive up to 12 hours of the 15 hours statutorily required to complete the Regents Education Program. If you haven't registered for our last session, I would encourage you to do so. This will conclude our session today. Certainly, everyone stay well and stay safe, and we'll see you next Monday at nine o'clock, and leading off with Governor Kevin Stitt. So thanks for your participation today. Niki, thank you again, and everyone, have a good week.

Thank you, everyone, for participating.

Great job, Niki.