

MISSOURI WESTERN STATE UNIVERSITY

Governance Advisory Council Report
2011-2012

March 22, 2012

Volume 36, No. 5

GOVERNANCE ADVISORY COUNCIL

March 20, 2012

Member Attendees: Dr. Cindy Heider, Dr. Brian Cronk, Dan Eckhoff, Mel Klinkner, Dr. Greg Lindsteadt, Dr. Gordon Mapley, Dr. Murray Nabors, Jacob Scott

Other Attendees: Marilyn Baker, Susan Bracciano, Peter Gregory, Dr. Judy Grimes, Sally Sanders

GAC #11-14 – Spring 2012 Undergraduate Curriculum Report

Source of Proposal: UGCC Committee

Purpose of Proposal: For Information

Current Policy or Procedure:

Proposed Policy or Procedure: Overview of New Degree, Spring 2012

Degree Proposal to go to DHE:

- Bachelor of General Studies degree: The BGS will consist of either two established minors in the MW curriculum or one minor plus a custom concentration to equal between 36 – 48 hours. Student must have a 2.0 GPA in the degree, with no more than two Ds between the two minors or minor plus concentration. The degree is designed as an option for students who have at least 75 credit hours completed, a 2.0 GPA, and have completed General Studies Math and English with a C or better.

**SPRING REPORT
UNDERGRADUATE CURRICULUM COMMITTEE
2011-2012**

Presented to the Faculty Senate of
Missouri Western State University
February 16, 2012

Presented to the Governance Advisory Council of
 Missouri Western State University
 February 21, 2012
 By Dr. Trish Donaher,
 Undergraduate Curriculum Committee Chair

Short Summary of Primary Undergraduate Curriculum Changes*
Spring 2011-2012
Missouri Western State University

Dept	#	Short Title	Approved	Forms	Gen Eds	DHE
Degree Completion Committee	1	Add Bachelor of General Studies (BGS) degree	2/6/2012	Y	N	Y

*Full Primary Proposal on O-Drive, under UGCC>2011-2012>Proposals> Degree Completion Committee

Short Summary of Secondary Undergraduate Curriculum Changes*
Spring 2011-2012
Missouri Western State University

EDU	PS	5	Modification of previous #5: Reword the Area of Concentration section of Education catalog AND ESOL concentration form			
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*Full Secondary Proposals on O-Drive, under UGCC>2011-2012>Proposals> Department

GAC Summary: This proposal will be forwarded to the President for his approval.

Presidential Action: This proposal was signed by the President on March 21, 2012.

GAC #11-16 – Faculty Senate Bylaws - UGCC

Source of Proposal: Faculty Senate

Purpose of Proposal: Procedure Revision

Current Policy or Procedure: Faculty Senate Bylaws, Appendices, 11. Undergraduate Curriculum Committee

d. Committee members must be available to meet every Monday afternoon/evening during the Fall semester. Furthermore, committee members may be required to attend committee meetings in the Spring semester as well.

Proposed Policy or Procedure:

d. When possible, at least half (50%) of the faculty members serving on the committee shall have been granted tenure at the time of their appointment, including at least two each from both the College of Liberal Arts and Sciences and the College of Professional Studies. Committee members must be available to meet every Monday **from 4-6 pm** during the Fall semester. Furthermore, committee members may be required to attend committee meetings in the Spring semester as well.

GAC Summary: This proposal will be forwarded to the President for his approval.

Presidential Action: This proposal was signed by the President on March 21, 2012.

GAC #11-17 – Whistleblower Policy

Source of Proposal: Human Resources

Purpose of Proposal: New Policy

Current Policy or Procedure: None

Proposed Policy or Procedure: To be added to the Policy Guide

A whistleblower as defined by this policy is an employee of Missouri Western State University, or any other person providing services to the University, who reports an activity that he/she considers to be illegal or dishonest violations of University policies or procedures or of federal, state or local laws, including fraudulent financial reporting. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. More specifically, this policy:

- encourages persons to disclose serious breaches of conduct covered by University policies, procedures or law;
- protects employees from reprisal by adverse employment action as a result of having disclosed wrongful conduct (employees who self-report misconduct are not afforded protection by this procedure); and
- provides individuals who believe they have been subject to reprisal a fair process to seek relief from retaliatory acts.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent activity.

If a person has knowledge of or concern about illegal or dishonest fraudulent activity, they are to contact the Risk Manager at 271-4466 or the Special Assistant to the President at 271-4238. An individual must exercise sound judgment to avoid baseless allegations. An employee who

intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.

The University will not retaliate against a whistleblower. All members of the University community are encouraged to report any suspected retaliation, harassment or adverse employment consequences as a result of his or her reporting illegal or dishonest fraudulent activity. Any whistleblower who believes he/she is being retaliated against must contact the Risk Manager or Special Assistant to the President immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

GAC Summary: This policy is effective immediately. This proposal will be forwarded to the President for his approval.

Presidential Action: This proposal was signed by the President on March 21, 2012.

GAC #11-18 – Missouri Western State University Residency Rules

Source of Proposal: Financial Aid & Registrar

Purpose of Proposal: Policy/Procedure Revision

Current Policy or Procedure: MWSU Catalog and Registrar's Website

To establish Missouri residency and qualify for in-state tuition and fees at MWSU a student must meet official residency requirements, as established by the State of Missouri and the Coordinating Board for Higher Education (6 CSR 10-3.010). This ruling provides guidelines for determining eligibility for students to acquire in-state tuition at a Missouri public postsecondary institution.

It is the duty and responsibility of the student to apply and register under the proper residence status and pay the appropriate tuition and fees. It is the further duty of the student, if there is any possibility that the nonresident fee credit is applicable or residency status changes while a student at MWSU, to file the appropriate paperwork for consideration.

Initial residency status is determined at the time of admission and based on the primary residence at that time. Students who wish to appeal this decision or appeal later in their academic career at MWSU and have established Missouri residency, may complete a Petition for Residency as distributed and processed by the Registrar's Office.

Residency appeals must be received by the Registrar's Office before the end of the first week of the current term for which the student is registered. Appeals **will not** be accepted after this date.

If a student is granted residency status, tuition will be adjusted to reflect the in-state rate. The decision is not retroactive to previous terms. A student awarded residency status will continue to receive an in-state tuition rate as long as continuous enrollment is maintained at MWSU (Fall-Spring). If a student skips a regular semester (Fall-Spring) after being awarded residency status which then requires reapplying for admission, the student may also need to appeal residency again.

Definitions

(CBHE Rule) "Residency" or "Resident Status" shall mean that status which is achieved when sufficient proof of a domicile within a state is presented.

(CBHE Rule) "Unemancipated Minor Student" shall mean any student not having attained the age of twenty-one (21) years, and under the care, custody or support of the individual or individuals having legal custody of said students.

(CBHE Rule) "Emancipated Minor Student" shall mean any student not having attained the age of twenty-one (21) years and who is not under the care, custody and support of an individual or individuals having legal custody.

(CBHE Rule) "Domicile" shall mean presence within a state with an intent of making the state a permanent home for an indefinite period.

(CBHE Rule) "Adult Student" shall mean any student having attained the age of 21 years.

Student Classification Categories

(CBHE Rule) *Adult Students*. If an adult student, not a resident, shall present sufficient proof of the establishment of a domicile within the State of Missouri, said student shall be granted resident status at the first enrollment following the establishment of said domicile.

(CBHE Rule) *Unemancipated Minor Students*. The domicile of an unemancipated minor is presumed to be that of the individual or individuals having legal custody of the student. If those having legal custody of the student establish a Missouri domicile, that student shall be granted resident status at the first enrollment following the establishment of the Missouri domicile. Once unemancipated minor students have established resident status under this rule, they may continue to qualify for resident status so long as they remain continuously enrolled, excluding summer terms, in a Missouri institution of higher education, even if the individual or individuals having legal custody of the unemancipated minor students cease to hold Missouri resident status.

(CBHE Rule) *Emancipated Minor Students*. The domicile of emancipated minor students shall be determined as if they were adults. A minor may become emancipated through marriage, formal court action, abandonment or positive action of alienation on the part of the minor. In all instances, alienation from care, custody and support shall be complete and the burden of satisfactory proof of emancipation shall be that of the minor student.

Mere absence of the student from the domicile of the individual or individuals having legal custody of that minor student shall not constitute proof of emancipation. In no instance shall a minor student be eligible for emancipation when that student is taken as an income tax deduction by a second party other than a spouse.

(CBHE Rule) *Members of the Military Forces.* Students shall neither gain nor lose resident status solely as a consequence of military service. For the purposes of student resident status, military personnel, when stationed within the state of Missouri pursuant to military orders, their spouses and unemancipated minor children shall be regarded as holding Missouri resident status. However, a member of the military forces who is specifically assigned, under orders, to attend a Missouri institution of higher education as a full-time student, shall be classified, along with their spouses and unemancipated minor children, as if they had no connection with the military forces.

(CBHE Rule) *Noncitizens of the United States.* Students who are not citizens of the United States must possess resident alien status, as determined by federal authority, prior to consideration for resident status. Aliens present within Missouri as representatives of a foreign government or at the convenience of the United States or Missouri governments and holding G visas shall be entitled to resident status, except for those who are government-funded students. Aliens and their dependents holding A or L visas may be granted resident status if determined to be individually designated as representatives of their governments and whose education is not government-funded.

Exceptions to the above rule may apply to international students who attend MWSU through an officially approved exchange agreement, thereby granting temporary in-state resident status for fee paying purposes.

Refugees and Persons Granted Asylum. A student who is classified as a refugee or as one who has been granted asylum by the United States Immigration and Naturalization Service and who has been granted permission to remain in the United States shall be granted resident status, if there is proof of the establishment of a domicile in Missouri. Presence in the State of Missouri for such a person shall begin with the date indicated on the alien registration card.

University Staff or Children or Spouses of University Staff. Any full-time benefit eligible employee of this University, or the unemancipated minor child, adult dependent (as defined by IRS guidelines), or spouse of such employee shall qualify for resident status when enrolling as a student at Missouri Western State University. Students receiving resident status based on this guideline may lose this eligibility if employment of said MWSU employee ends.

Graduates of Missouri High Schools. A graduate of a high school located in Missouri, whose parents (or legally appointed guardian or custodian) are residents of Missouri at the time of the student's graduation from high school and whose initial registration at the University occurs at the beginning of the next academic term, excluding summer terms, following graduation from high school, is presumed to be a Missouri resident so long as he or she remains continuously enrolled at Missouri Western State University.

Determination of Resident Status

(CBHE Rule) Attendance at an institution of higher education shall be regarded as a temporary presence within the state of Missouri; therefore, a student neither gains nor loses resident status solely by such attendance.

(CBHE Rule) The burden of proof of establishing eligibility for Missouri resident status shall rest with the student.

(CBHE Rule) In determining resident status for the state of Missouri, either of the following shall be sufficient proof of domicile of a person and their dependents within the state of Missouri:

1. Presence within the state of Missouri for a minimum of twelve (12) immediate past, consecutive months coupled with proof of an intent to make the state of Missouri a permanent home for an indefinite period; or
2. Presence within the state of Missouri for the purposes of retirement, full-time employment, professional practice or to conduct a business full-time.

(CBHE Rule) In determining whether a student holds an intent to make the state of Missouri a permanent home for an indefinite period, the following factors, although not conclusive, shall be given heavy weight: continuous presence in the state of Missouri during those periods not enrolled as a student; presence within the state of Missouri upon marriage to a Missouri resident and the maintenance of a common domicile with the resident spouse; substantial reliance on sources within the state of Missouri for financial support; former domicile within the state and maintenance of significant connections while absent; and ownership of a home within the state of Missouri. The twelve month period of presence within the state does not, in and of itself, establish resident status in the absence of the required proof of intent.

(CBHE Rule) The following factors indicating an intent to make the state of Missouri a permanent home for an indefinite period shall be given less weight than those in subsection above and include: voting or registration for voting; part-time employment; lease of living quarters; a statement of intention to establish a domicile in Missouri; automobile registration or operator's license obtained in Missouri; and payment of income, personal and property taxes in Missouri. The factors listed in this subsection have applicability only as they support the intent to make the state of Missouri a permanent home for an indefinite period.

Dispute of Decision

Any student unwilling to accept a residency ruling as determined by the Registrar's Office may appeal to the Residency Committee, as appointed by the Provost. The Committee shall hear the appeal and, if requested by the student, shall allow the student to present the appeal in person to the Committee. The decision of the Residency Committee is final.

Nonresident Credit

For those nonresidents who pay Missouri income tax, the nonresident student shall receive a credit against the nonresident student fee in an amount equal to the actual Missouri income tax paid for the previous calendar year except that the remaining fee obligation shall not be less than the amount of the resident student fee. Unemancipated minor students are eligible by reason of payment of Missouri income tax by the nonresident individual or individuals having legal custody of said student. A student entering in January shall be regarded as entering in the immediately preceding fall for purposes of determining previous calendar year. For a student entering after January, previous year means immediate past calendar year.

To receive a nonresident credit the student must furnish to the Business Office with satisfactory evidence that the tax was paid, the date of payment and that the student is entitled to a credit. Evidence may include a copy of the State Income Tax return, together with canceled checks (or photo copies) or if all taxes were withheld the Mo-WH-2 form (or a photo copy) showing the amount of tax withheld. After reviewing the evidence submitted the Business Office may request other evidence of payment of tax.

A tax credit may be used only once as a nonresident credit during a calendar year. But, any tax credit not used in a given term may be carried forward to be used in a subsequent term, subject to the time limitation stated above. If several students from the same family claim allowable tax credit, the tax credit shall be applied as the taxpayer directs, if the taxpayer does not direct application, the Business Office shall make such application. Tax credit may be offset against the nonresident tuition only, and may not be offset against any fees or obligations.

Proposed Policy or Procedure:

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Dispute of Decision

Any student unwilling to accept a residency ruling as determined by the Registrar's Office may appeal to the Residency Committee, as appointed by the Provost. The Committee shall hear the appeal and, if requested by the student, shall allow the student to present the appeal in person to the Committee. The decision of the Residency Committee is final.

Nonresident Credit

For those nonresidents who pay Missouri income tax, the nonresident student shall receive a

credit against the nonresident student fee in an amount equal to the actual Missouri income tax paid for the previous calendar year except that the remaining fee obligation shall not be less than the amount of the resident student fee. Unemancipated minor students are eligible by reason of payment of Missouri income tax by the nonresident individual or individuals having legal custody of said student. A student entering in January shall be regarded as entering in the immediately preceding fall for purposes of determining previous calendar year. For a student entering after January, previous year means immediate past calendar year.

To receive a nonresident credit the student must furnish to the **Financial Aid** Office with satisfactory evidence that the tax was paid, the date of payment and that the student is entitled to a credit. Evidence may include a copy of the State Income Tax return, together with canceled checks (or photo copies) or if all taxes were withheld the Mo-WH-2 form (or a photo copy) showing the amount of tax withheld. After reviewing the evidence submitted, the **Financial Aid** Office may request other evidence of payment of tax.

The nonresident tax credit will be applied to the student's account and may impact other financial aid including, but not limited to, the Neighboring States and Midwest Student Exchange Scholarship Programs.

A tax credit may be used only once as a nonresident credit during a calendar year. But, any tax credit not used in a given term may be carried forward to be used in a subsequent term, subject to the time limitation stated above. If several students from the same family claim allowable tax credit, the tax credit shall be applied as the taxpayer directs, if the taxpayer does not direct application, the **Financial Aid** Office shall make such application.

GAC Summary: This proposal will be forwarded to the President for his approval.

Presidential Action: This proposal was signed by the President on March 21, 2012.

Respectfully submitted,

Jennie McDonald
Secretary

