

**STATE OF ALABAMA**  
**Articulation and General Studies Committee**  
**University of Alabama at Birmingham**  
**Hill University Center - Room 325**  
**January 22, 2010**

**MINUTES OF MEETING**

Committee Members Present:

Dr. Dan Osborn, Chair	University of Alabama at Birmingham
Dr. Barbara Jones	Alabama A&M University (conference call)
Dr. Lloyd Walker, Alternate	Alabama A&M University
Dr. Alfred Smith	Alabama State University (conference call)
Dr. Linda Glaze	Auburn University
Dr. Charles Nash, Alternate	University of Alabama System (conference call)
Dr. Keith Harrison	University of South Alabama
Dr. William Meehan	Jacksonville State University (conference call)
Dr. Ed Roach	Troy University
Dr. Terry Roberson, Alternate	University of Montevallo
Dr. Susan Price	Dept of Postsecondary Education (conference call)
Dr. Joe Morris, Alternate	Jefferson State Community College
Dr. James Mitchell, Vice Chair	Wallace State Community College-Selma
Dr. Kandis Steele, Alternate	Department of Postsecondary Education

Ex-Officio Members:

Dr. Elizabeth C. French, Alternate	Commission on Higher Education
Dr. Keith Sessions, Executive Director	AGSC/STARS

Others Present: Dr. Richard Federinko-TU; Mr. Shannon Nichols-STARS; Dendy Moseley-STARS; Anita Walker-STARS.

Committee Members Absent:

Dr. Karyn S. Gunn, Alternate	Alabama State University
Dr. Jeff Barksdale, Alternate	Auburn University at Montgomery
Dr. Victoria Rivizzigno, Alternate	University of South Alabama
Dr. Richard Holland, Alternate	University of West Alabama
Dr. Nancy Chandler, Alternate	Enterprise-Ozark Community College

Dr. Vicki Hawsey	Wallace Community College-Hanceville
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<b>CALL TO ORDER</b>	The regular meeting of the Articulation and General Studies Committee was called to order at 10:00 a.m. A quorum was determined by voice roll call of members present.
<b>ADOPTION OF AGENDA</b>	Meehan moved for the adoption of the agenda. Glaze seconded. The agenda was adopted.
<b>APPROVAL OF MINUTES</b>	Price moved for the approval of the October 23, 2009 Minutes with corrections. Smith seconded. Minutes were approved with corrections.
<b>WELCOME</b>	Osborn welcomed everyone to the UAB campus.

### **Clarification-Quorum Required for AGSC Meetings**

Osborne opened the discussion regarding establishment of a quorum for purposes of a) voting on decision items; and b) convening a meeting of the AGSC membership. Dr. French continued the discussion with specific references to: 1) the legislation; 2) the Open Meetings Act (OMA); and 3) parliamentary rules established by the AGSC.

Legislation (Section 16.5.8) Code of Alabama/1975. While the legislation states that a four-fifths vote of the entire voting membership of the committee is required for the adoption of the articulation agreement and general studies curriculum, a majority decision of the committee is final and binding on issues related to problems in the administration or interpretation of the articulation agreement or the general studies curriculum.

The Open Meetings Act. The OMA (Act No. 2005-40) which became effective on October 1, 2005 identifies a quorum as "a majority of the voting members." (The AGSC is subject to provisions of the OMA which replaced the Sunshine Law). The OMA requires that a quorum be physically present for voting purposes.

Robert's Rules of Order. At the August 25, 1994 meeting of the AGSC, Robert's Rules of Order were adopted as Administrative and/or Parliamentary Procedures. These Rules recognize a majority of the membership as constituting a quorum. In adopting the Rules, the committee acknowledged the four-fifths vote of the entire voting membership of the committee required for adoption of the articulation agreement and general studies curriculum.

Following the discussion there was consensus that 1) for purposes of compliance with the OMA in convening a meeting, a simple majority of voting AGSC membership (6) will constitute a quorum; and 2) for purposes of voting on action/decision items, a four-fifth vote of the membership (8) will be required. (Members participating by conference call are eligible to vote so long as a quorum of the membership is present at the meeting site.) There was also discussion regarding the approval of templates. Glaze clarified that the AGSC does not approve templates but ratifies templates.

## **AGSC/STARS Budget 2009-2010**

Osborn distributed the AGSC finance sub-committee report which included a recommended budget (copy attached-#1). Osborn updated the membership on meetings of the subcommittee since the October meeting. Roach requested an opportunity to speak on the budget and Memorandum of Agreement at the appropriate time. Dr. Federinko, Senior Vice Chancellor for Student Services and Administration, Troy University, also requested the opportunity to speak.

Dr. Roach expressed concerns about 1) the budget process; 2) the establishment of a subcommittee without formal approval by the AGSC; and 3) the failure to circulate the finance subcommittee report to AGSC prior to the meeting.

Dr. Meehan inquired as to whether or not the AGSC members would like to hear the report from our subcommittee. Osborn opened the floor to the Committee for response.

Dr. Frederinko requested permission to speak. His comments follow:

Dr. Federinko's Remarks:

(a transcription)

*First, let me say, there is no one that is more fonder or more fond of this committee than myself as a former three time, two-year college president who fought in the trenches for many many, years to get two-year college transfer credit recognized and guaranteed for our students, and I applaud you for being here today and every day and for all the wars that you've been through and all the deliberations over the years to get this great state to where it is. Alabama truly has the only system in the nation that has the guarantees and protections that are in place here. No one else can compare to it. And we are the model and I'm all for protecting that whether I'm an employee of Troy or an employee of a two-year institution.*

*But with that said, I've been at Troy now for two years and I've been working with this program for that time. I have to admit it's, it's a very small piece of our large complex institution. It's another state contractual program, one of many which we have and are proud of. And I think Dr. Roach and others can share with you the history of Troy's involvement and development in this area and its pride in this area and it's willingness to continue to participate in this area. But there are some other issues that are underlying and there are some things in the shadows that aren't popping out. And I don't know the agendas. I only have one agenda. My agenda is to make sure this program is run effectively and efficiently to save millions and millions of dollars a year for the tax payers and students and to guarantee that transfer credit. We do that job well. We've done it well from the beginning. We want to continue doing it. However, you have a law, you have the law, you should read it if you haven't read it recently. We have a Memorandum of Agreement. And the Memorandum of Agreement has been in place for 14, 15 years. It hasn't changed since that first day. We're happy to change it. We're happy to sit down at the table and talk to those that want to see the program change. They want to see the program modified. I challenge you, I challenge you as an advisory committee to tell Troy how to do their job better. To tell ACHE how to do their job better. To tell yourselves how to do your job better. But nobody's told us how to do our job better. Not recently anyway. Not since I've been here. And we're doing a damn good job. And the numbers prove it.*

*But I resent standing before you today with a copy of the law, with a copy of the MOA, with a letter dated October 16, 2009 from ACHE saying we will deliver these four payments to you on these dates. And today ACHE is in default of their second payment to Troy. We have these people here today, working on their time because we don't have the funds to pay them. And there's no excuse for that second check not having been delivered to Troy University on January the 5th. We requested it numerous times. We were held hostage. You changed the budget the way we want. Folks there's nothing in the MOA or the law that allows for anybody to dictate to Troy University or to any university in this state, how you operate a budget for a contractual program such as this. That is our choice. If you don't like the way we run the program, move it. If you don't like the way we're operating, give us 30 days notice, we'll sit down at the table. We'll discuss it. We'll change it, correct it, or we'll move it. But you're not gonna tell Troy University how to run this budget. You can advise us. You can suggest. You can give us recommendations for improvement. And we will listen. And we will try to respond. But I'm not going to continue to play games with whoever wants to play games with us on this issue.*

*I have a legal opinion from our attorney. If we do not receive payment within ten days of today, we do have the option of taking legal recourse. I will advise the Chancellor to discuss this as contained within the law and the MOA between...all deliberations or disagreements are not to be between you and Troy or ACHE and Troy, it's between the Chancellor and the Executive Director of ACHE. Now why other people are getting involved and trying to tell us how to operate a program, who to fire, what not to do within the budget, is just unconscionable.*

*I appreciate the time you've given me today. But I think this committee needs to get a strong hold of its advisory role. You've done a wonderful job with articulation curriculum but you need to help us wake up and salvage this program and make sure its protected. Because we are interested in protecting it. And I'm not sure that there are other interests out there that have other agendas that may not include protection. And that's just my opinion. I'll be glad to answer any questions and I'll be glad to leave as well. But we want our check madam.*

Dr. Osborn asked if there were questions. Following none, Dr. Osborn thanked Dr. Federinko for his presentation.

*Dr. Federinko. You know its hard to serve the thousands and thousands of students with no money. And this pity. This is just rinky dink operation.*

Following Dr. Frederinko's comments, Osborn recognized Dr. Roach.

Dr. Roach's Remarks:

(a transcription)

*It was in this room well over a decade ago, Joe, I know you were here. There were people hanging off the wall, faculty senate members, people across the state opposing the legitimacy of articulation and the legislation involving basically an intrusion into the academic freedom of institutions. Troy University has been a champion for articulation for many years. And in fact, the STARS program was created by Troy University, what was then Troy State University. Mr. Conway, the late Mr. Conway, who I never met, was responsible for working, and we had the program underway and it was successful. And basically the state adopted the model. And I'm very proud of that model, as Dr. Frederinko has indicated as a former two-year president.*

*Upon the passage of the legislation, and this is meant by way of context and history for those of you who do not know this... by way of history as I have investigated this and have indeed talked to the chancellor, this was Troy's program. And when the legislation was passed he had the option of the budget for the articulation program going through, flowing through Troy like any other budget item. Jack is a devoted public servant and he opted to have it flow through ACHE as a gesture to support a statewide program. Our original budget was something in the neighborhood of \$1.25 million. This was administered through ACHE and very quickly thereafter... and I would tell you that we're here today talking about this because of the lack of a champion for articulation in the statehouse and the legislature...very quickly in succeeding years that budget was cut from a million and a quarter to about \$500,000. And I can tell you from a standpoint of the history and the development of this, I think the Troy University administration felt betrayed by...they had done something in the public interest and all of a sudden you have about half or less than half of what is now \$400,000.*

*There are three key documents. This is why we have a nation of laws and not of men. There are three key documents. The first of which is Act 94-202 providing for a uniform articulation agreement. The second key document is the Memorandum of Agreement that was passed out earlier. The third key document is the letter from Dr. French dated Oct 16, 2009. Our opinion is that the controlling document is the Memorandum of Agreement between ACHE and Troy dated 18 March 1994. This MOA requires that ACHE release funds to Troy in payments in accordance to a budget. In a letter dated Oct 16 from Dr. French she indicated to Leigh Ann Paramore, our accounting services director, the amount of the budget etc. Nowhere in the documents, particularly in the Memorandum of Agreement between the two parties, does the Alabama Commission on Higher Education have the authority to require a budget be accepted by or approved by a budget subcommittee of the articulation committee.*

*Through me at the university, reports the statewide program Access and AMSTI. Those are complex programs that are tremendous programs for the state. But we couldn't operate if on a day to day basis, the State Department or some other group, intruded on a day to day basis on our budget. If we're not doing a good job then we don't continue the program.*

*I have looked at the legislation and Memorandum of Agreement and I have drawn several conclusions that I would like to share with you. The first, as we alluded to earlier, is that we have three elements. The first is under the law that a statewide freshman and sophomore level general studies curriculum be taken at all Alabama public colleges and universities. We have accomplished that. We developed that with a lot of blood, sweat, and tears on the part of the two and four year schools. We were also to have adopted, developed and adopted, no later than Sept 1, 1999 for the freshman and sophomore years a statewide articulation agreement for the transfer of credit among all the institutions. This has been accomplished. The third element has to do with the common course numbering system and we have not done that and have chosen not to do that.*

*Point four. Upon the adoption of the articulation agreement, the general studies committee shall continue its duty and authority prescribed herein. This is the maintenance, the ongoing kind of activities: templates review and the updates and so on. This committee is to meet 3 or 4 times a year. Chair rotated between two and four year schools. I served as chair so I know what it entails. In case of problems, with the administration or the interpretation of the agreement, that is between the chancellor at Troy University and the executive director of ACHE. There is nothing in the legislation that speaks to the oversight of the annual budget of the AGSC/STARS program. This budget is only discussed in the Memorandum of Agreement between Troy and ACHE.*

*The role of the Alabama Commission according to the Memorandum of Agreement, and I am looking at ACHE's role and our role, the role of ACHE is that they request and receive the annual appropriation for AGSC/STARS from state legislative appropriations. ACHE is to appoint a staff member to serve as the Commission project liaison. That person has been Dr. French for a number of years. The Commission project liaison is to report to the statewide articulation committee, advisory committee to analyze system data identified issues, etc. ACHE, according to their role in the Memorandum of Agreement is to release funds to Troy University in four payments in accordance with the budget.*

*Now what has happened over the last decade or so is that a budget has been created based on appropriated amounts by the executive director and presented to the articulation committee at its October meeting. Nowhere, however, in the legislation or in the Memorandum of Agreement does it state that the budget must be approved by AGSC. In all matters relating to the Memorandum of Agreement, the executive director shall act for ACHE and the chancellor will act for Troy. The Memorandum of Agreement automatically renews each year unless terminated. Only ACHE can terminate it or Troy can terminate the Memorandum of Agreement...not the body or group meeting here today.*

*According to the legislation and the Memorandum of Agreement this was Troy's role. We are to develop and maintain the web-based advising system known as STARS. We are to oversee the day to day operation of the STARS program. We're to oversee technological needs as determined by the executive director of AGSC/STARS. Troy hires staff to support the project. Troy will oversee the statewide training and communication regarding STARS. We will work with the commission project liaison to provide information as requested. Troy will provide ACHE and the AGSC information to assist in the appeals process. Thankfully there have been very few. I don't even remember one. Troy will generate and distribute a usage report, which we have done here today. This is done monthly as directed by the executive director of AGSC/STARS.*

*Now in all matters relating to the MOA, the executive director shall act for ACHE, in this case, Dr. Fitch, and the chancellor, Jack Hawkins, will act for Troy. All undertakings of either parties are specifically subject to the availability of funds sufficient to carryout their respective activities under the MOA.*

*This MOA renews automatically each year unless terminated by either party. Only ACHE or Troy can terminate the agreement. AGSC cannot. We know the executive director's role. We have developed with him objectives for each year. He oversees the day to day operations, etc.*

*Now, as I read my bible, no man can serve two masters. You either hold to the one and despise the other, but no way can he serve two masters. We are putting Keith in a situation, as Dr. Frederinko has alluded, that I find untenable. On the 9th of December, I had a meeting with this committee at the request of Dr. Osborn, the budget subcommittee referred to earlier. At that time, I didn't have any material in front of me, I didn't know what the meeting was going to entail. I had the MOA that was given out that day. I had read it many times but I didn't have it with me that day. There seemed to be some interest in revising the MOA. That is certainly something Greg Fitch and Jack Hawkins can do in a New York heartbeat. But on the 17th of December, I have an email from Dan Osborn to Keith Sessions directing him to submit the final version of the budget by Wed, December 23, the day before Christmas Eve. And he indicated that unless he did it that ACHE will not release any funds to Troy University.*

*I'm standing here today to tell you that I'm not gonna have my people given a directive by someone across the state of Alabama. In conclusion, Troy University has been a champion of articulation. Indeed, it has been the model from which the state legislation was based. We have proceeded in accordance with the MOA. We expect to be paid in accordance with the MOA. We look forward to continuing to serve the state in this very important endeavor.*

*Let me ask this question in conclusion. What if there were no STARS program? And I can tell you that without careful maintenance that Keith, Shannon, and Dendy and Anita work religiously I know because I go over there, to keep this thing going. And it will run down like a top for a lack of energy unless there is a continual administration of this program. Right now based on the history of this, we had \$1.25 million funding initially. It's now less than \$400,000. When I introduced in the December meeting to the subcommittee, and Dr. French was there, that I thought we needed and we were willing through our legislative liaison to ask for greater than at least a half million dollars, and I was told that that is not a priority of Dr. Fitch...*

*Well let me conclude by saying the AGSC needs a champion in the legislature. We currently do not have that champion. And I think Jack Hawkins would say to you if he were here that he made a mistake when that budget didn't flow to Troy because he is a champion of this effort. Thank you.*

Dr. Osborn opened the floor for comments with his observations on the work of AGSC during the past seven years. Meehan requested that Osborn read the recommendations of the subcommittee. Following the reading of the subcommittee recommendations, Dr. Osborn opened the floor for discussion. Dr. Steele and Dr. Sessions spoke to the report of the finance subcommittee following which Dr. Nash spoke to the work of the committee and the role of the committee.

NASH. I wish we wouldn't get into he said, she said, we did, we didn't. I think that's, someone referred to the organization as rinky dink. I don't agree with that and I think if we allow ourselves to continue down the path of discussion that we're on right now, I think we will become rinky dink. It seems to me that the folk at Troy have stated their position. It seems to me that it has been historical that the committee has participated in setting priorities, discussing budgets, discussing roles and responsibilities of the staff. And while many have not been in line with the MOA and perhaps in line with the legislation in terms of the role of the AGSC, my better part of wisdom suggests that while we might have perhaps over stepped our bounds as a committee, what has happened over these past 14 or 15 years has been very beneficial for the state and for the people of Alabama and has served this purpose well.

I'm disappointed that there is such a bad feeling among some about the work of the committee and the role of the committee and so I wish we, I didn't have the bad feelings operating out there among some who have spoken today. But it seems to me that there is on the table a way of getting through this and getting beyond this so that we can carry on the work of the people of Alabama and not get caught up in who is guilty and who is responsible and all that for any bad feelings that might exist.

I think it's appropriate to go ahead and whether Troy wants the committee to have a role beyond an advisory responsibility or not, the committee is presenting a way forward. I think that way forward is certainly acceptable to me, although I don't get to vote on it. It seems a reasonable way to carry out the work of the committee, get the funds that Troy needs to pay the staff and pay the telephone bill and all of that. It seems that the recommendation that Dan just read is an appropriate one. That we step back and look at the various roles and responsibilities and address any new roles and responsibilities going forward. We may not change a thing. But we may change things or recommend changing things that

make our work together even better. It would be a shame in my opinion if after all of the great work that we've done, the model that has been established, the successes we've had for families and students at our community colleges and our universities, will end today, in effect, breaking up this very, very, successful program over whether or not this committee has any responsibility to say what the budget should or should not be for running the program.

So I would appeal to all of you to accept the recommendation that is on the table and move forward to achieve continually the outcomes that we have been so successful in achieving. And I'd say let's put all that has transpired behind us and in good faith move forward for the people we serve, forgetting about who is responsible for what and who is not going to take this or that, and name calling that I find to be very, very unpleasant

ROACH. Charles have you heard me name call?

NASH. No, but I did hear Dr. Frederinko refer to this organization and its work as rinky dink. I did hear that. No I didn't say you said anything like that Ed, not at all. But I will tell you, I don't know whether Dr. Frederinko is still there or not, but I was very much insulted, but I'm willing to put it behind me. I'm very much insulted by how he addressed this committee. And I wish he had not done that. You know Ed, we've been there, Joe, we've been there from the beginning, Linda, from the beginning, and it's been a wonderful experience that I hold, continuously wonderful experience. And I just wish that some things that Dr. Frederinko said had not been said. That's all I've got to say about it.

MORRIS. And it has been extremely valuable to us. We have worked hard for years and years and I remember the first meeting when Kitty Collier and Dr. Hector came in and they had set up an advisory committee to work with STARS, and it was recommended that the AGSC should assume that role.

GLAZE. It's in the minutes.

MORRIS. It's been very uncomfortable to be caught between the two because both have been very important to us. Anything we can do, we need to get everybody to the table.

MEEHAN. I agree with what Charles has said and I would like to second Charles motion and consider the budget at this time. I was not privy to some of the early conversations of the meetings of the subcommittee but I understood that in the last meeting the budget had not been recommended by the committee yet, not made any mandates. But I understand the budget that's on the table now is one that you submitted Keith, is that correct?

SESSIONS. Yes sir.

MEEHAN. I recognize Troy and I appreciate Troy for willing to cut their indirect costs significantly. And I appreciate that very much Ed. And I would like to move on Charles' motion that we accept this budget as an advisory committee.

NASH. Bill I can't make a motion since I'm an alternate. But I wish someone would take up your willingness to second, or Bill you might make the motion and someone else can second it so it can move forward.

OSBORN. We will take Dr. Meehan's motion as a first. Do we have a second.



SMITH. I'll second it. This is Alfred Smith.

ROACH. This whole document has a number of ramifications that I have not had a chance to review.

MEEHAN. My motion as seconded by Alfred is to approve the budget as submitted.

NASH. If the committee does indeed vote in favor of the motion to approve the budget which is on the floor, then the assumption would be on my part that ACHE would release the second quarter funds. Is that everybody's understanding?

MEEHAN. That's certainly my intent.

OSBORN. That is my intent. What this budget does is to balance the budget, set aside a contingency fund for proration, and maintains the staff as it currently exists with a few operating expenses.

NASH. Then my suggestion is that the other items that came from the budget committee, that those be held over for further discussion at the next meeting of the AGSC.

MEEHAN. I would accept that as an amendment to my motion.

SMITH. Second.

***A voice roll call vote on the budget was taken as follows.***

Alabama A&M	Dr. Lloyd Walker	Yes
Alabama State	Dr. Alfred Smith	Yes
Auburn University	Dr. Linda Glaze	Yes
University of Alabama System	Dr. Daniel Osborn	Yes
University of South Alabama	Dr. Keith Harrison	Yes
Jacksonville State University	Dr. William Meehan	Yes
Troy University	Dr. Ed Roach	Abstain
Wallace Community College/Selma	Dr. James Mitchell	Yes
Jefferson State Community College	Dr. Joe Morris	Yes
Department of Postsecondary Education	Dr. Kandis Steele	Yes

OSBORN: Motion passed. Is there anything that needs to be done before the next meeting?

NASH: Unless somebody is interested in bringing forward any different recommendations, we have a set of recommendations from the budget committee. It seems appropriate to me that that budget committee, I would suggest that the budget committee open itself up for any further input between now and the next meeting from anybody who wishes to make any additional input relative to those recommendations. Have the budget committee consider any input that might come forward, take that into advisement and then come back with either with the set that is there now or with any additional recommendations.

I think Dr. Roach said that he had not had an opportunity to study the recommendations. I assume after his study he may have some additional input. And if he has they should go to the budget committee to be added to or replace or changes in whatever form the recommendations the budget committee has had. But I think for sure we need to consider what the budget committee has presented.

OSBORN: Then we will proceed with that amendment to the original motion about accepting input. And then we will have a report at the next AGSC meeting.

## **ACADEMIC COMMITTEES**

Discipline Committee Membership Update. Sessions stated that a request was sent out to the Points of Contacts with links to all the discipline committees on the website to verify their contact information (copy of updated listing attached-#2). The list is about sixty (60) percent complete.

Ratification of Templates. Sessions presented the following institutional specific template for ratification (copy attached-#3).

- Forest Management/Forest Science (Alabama A&M)

Glaze moved for ratification of the template with the condition that A&M will accept three (3) hours from two-year institutions as free electives in substitution for the Advanced Composition course listed in Area V. Mitchell seconded. Motion passed.

## **STARS Usage Reports**

Nichols reported that monthly usage reports have been added to the STARS website (copy attached-#4). In addition, the CAPPs Report has also been added which shows usage from each community and junior college. Based on the CAPPs report, usage has increased for the two-year institutions. Any specific institutional requests may be directed to the STARS office.

## **SCHEDULE OF FUTURE AGSC MEETINGS**

April 16, 2010	10:00 a.m.	Wallace Community College-Selma
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## **ATTACHMENTS**

1. AGSC Finance Sub-committee Report (Osborn)
2. AGSC/STARS Discipline Committee Membership Update (Sessions)
3. Ratification of Template (Sessions)
4. AGSC/STARS Usage Reports (Nichols/Sessions)

The January 22, 2010 meeting of the AGSC adjourned at 11:50 a.m.

Dan Osborn, Chair

Deborah Nettles, Recording Secretary