# 3

## Information/Action Item

## *Cal-SOAP Advisory Committee*

*Discussion of Cal SOAP Advisory Committee*

Attached is information on the current role of the Cal SOAP Advisory Committee as provided in the Commission's Uniform Policies for Advisory Bodies. Members will also discuss the options provided by staff to address the composition of the committee.

The Committee may vote to support one of the options or develop another option to recommend to the Commission.

***Responsible Staff*:** Kim Taylor,
*CSAC Outreach Manager*

# Excerpt from the Uniform Policies and Procedures for Commission Advisory Bodies (11/0/06) regarding the roles and responsibilities of the advisory committee members.

**4. Role and Expectations of an Advisory Body Member**

4.1. Attends and actively participates at meetings of the advisory body.

4.2. Adequately prepares for discussion on agenda items by reading agenda materials in advance of the meetings and, if necessary, gathers information and conducts their own research on an item.

4.3. Notifies the staff liaison to the advisory body of any changes, such as changes in address and phone number, or any change that affects their appointment to the advisory body.

4.4. Remains in attendance at a meeting until it is formally completed.

4.5. Promptly notifies the chair and staff liaison if unable to attend a scheduled meeting.

**5. Conflict of Interest Affecting a Member's Participation at Meetings**

5.1. Members must disqualify themselves from voting or participating in an advisory body decision when a conflict of interest is present.

5.1.1. A conflict of interest refers to situations in which a member may have the opportunity to influence the advisory body's business decisions in ways that could lead to personal or other gain or give advantage to firms in which the member has an interest.

5.1.2. A conflict of interest exists when a member is aware, in a particular circumstance, that someone in his/her family has existing or potential financial or other interests which impair or might reasonably appear to impair such a member's independent judgment in the discharge of his/her responsibilities.

5.2. If a member determines that a conflict of interest does exist, the member must disqualify and recuse himself/herself from voting or participating in any way in the decision or using his or her status to influence any other person with respect to the matter in which he or she has a conflict of interest.

5.3. The minutes of the meeting shall reflect the member's recusal from voting due to a conflict of interest.

**6. Attendance Policy**

The Commission adopted an attendance policy for advisory bodies on March 14, 1997. The attendance policy was updated as follows when the Uniform Policies for Advisory Bodies was adopted in September 2000:

It is the Commission's belief that advisory body representatives serve a critical role in providing expertise and assisting the Commission in formulating and refining policies that represent the best interests of all Commission program participants. Given the critical nature of advisory body assignments, it is imperative that the Commission seeks the fullest participation of its advisory body members. The Commission has therefore adopted the following attendance policy for all appointed advisory body members:

• All advisory body members are expected to attend each meeting of the advisory body and participate to the fullest extent possible.

• In order to ensure that quorum requirements are met and maintained, advisory body members are expected to be in attendance at meeting commencement and remain in attendance until the meeting is formally completed.

• The advisory body chair will contact members who miss two meetings or display a pattern of partial attendance during a twelve-month period and will remind them of their responsibilities and ask them to confirm their commitment to their advisory body assignments. The advisory body chair will determine whether further discussion or referral to the Commission chair is warranted. The advisory body chair will notify the nominating or appointing authority of the advisory body member's missed meetings.

• Advisory body members who miss three meetings during a twelve-month period will be sent a letter by the Commission chair that will ask whether they can responsibly fulfill their advisory body assignment. A copy of this letter will be sent to the appropriate nominating or appointing authority and the advisory body chair. The letter should include an explanation of the advisory body member's responsibilities and a reminder of the critical significance of those responsibilities to the advisory body. The Commission chair will review the advisory body member's response and determine whether further review or action is warranted. Based on the member's response, the Commission chair may suggest that the member consider resigning from the advisory body.

• Advisory body members who miss four meetings during a twelve-month period will be sent a letter by the Commission asking the member to submit a letter of resignation. The letter will stress that attendance is vital to the success of the advisory body process. A copy of this letter will be sent to the appropriate nominating or appointing authority and the advisory body chair. The advisory body representative will be given two weeks to respond to the chair's letter. After the two-week response period, the Commission chair will consider any response and determine whether to initiate further action.

• In the event that an advisory body member is unable to attend meetings due to unusual or compelling circumstances, such as a long-term illness or personal tragedy, the appropriate chair may waive any of the above actions.

**7. Alternate Representatives for Advisory Bodies**

The California Attorney General has published an opinion which concludes that

alternate voting is not permitted where members of a body do not serve ex officio and are required to exercise judgment and discretion (Opinion number 79-613, issued August 31, 1979, Volume 62, Opinions of the Attorney General, page 479).

The Commission has concluded that this opinion applied to both the Loan Advisory Council and the Cal-SOAP Advisory Committee. The Commission expects appointed Grant Advisory Committee members to attend each meeting and participate fully in those meetings. However, since there are circumstances that might prevent appointed members from attending scheduled meetings, the Commission feels that it is in the interest of the Commission and the public to allow committee alternates to ensure the most consistent and informed representation possible for advisory bodies. The Commission has therefore adopted the following policy for alternate representatives on its advisory bodies:

7.1. Cal-SOAP Advisory Committee

Alternates are not allowable.

# Cal SOAP Advisory Committee

Background:

In part, Education Code Section 69562 requires the Student Aid Commission to establish a 12-member project grant advisory committee to advise project directors and the commission on the development and operation of the projects. The advisory committee shall consist of the following:

a) Three representatives of outreach programs, representing the University of California, the California State University and the California Community Colleges, appointed by their respective governing boards.
b) One representative of private colleges and universities, appointed by the Association of California Independent Colleges and Universities.
c) One representative of the California Postsecondary Education Commission, appointed by the commission.
d) Two secondary school staff appointed by the Superintendent of Public Instruction.
e) Two persons representing the general public, one appointed by the Speaker of the Assembly and the other by the Senate Rules Committee.
f) Two postsecondary students, both appointed annually by the California Postsecondary Education Commission.
g) One college campus financial aid officer, appointed by the commission.

The Cal-SOAP Advisory Committee currently has five vacancies; the Superintendent of Public Instruction appointees (2), the Speaker of the Assembly appointee (1), the Senate Rules Committee appointee (1) and the Student Aid Commission's appointee (1). The Commission's Uniform Policies for Advisory Bodies requires that a quorum is fifty percent plus one, of the voting members. At least seven (7) voting members must attend Cal-SOAP Advisory Committee meetings in order to have a quorum.

Since 2005 we have scheduled three meetings. Due to lack of a quorum, all three meetings have been for informational purposes only and no action has been taken. As a result, Cal SOAP issues brought before the Committee have not been acted upon, nor have the issues been taken forward to present to the Commission. Consequently, the Committee is unable to move forward on Cal-SOAP issues.

Commissioners, project directors, and some committee members have expressed concern that the Cal-SOAP Advisory Committee is unable to fulfill its role in advising the Commission because of lack of a quorum at scheduled meetings. Commission Chair, Louise McClain has asked staff to develop some options to present to the Commission that will address the issue. Staff has had only a preliminary discussion with the Cal-SOAP project directors about the following three options:

**Option 1**
Maintain the current advisory committee structure and continue to solicit the appointing bodies for representation.

Option one requires the least action. Commission staff will resubmit letters to the appointing bodies requesting the appointment of an interested party to fill the vacant position or to replace a current member that has not actively participated in the role as an advisory committee member.

**Option 2**
Change the structure of the appointing bodies from statewide stakeholders to the Commissioners to allow Cal-SOAP Advisory Committee members to be selected from local areas where Cal-SOAP projects are located.

Option two requires a statutory language change. A change in statutory language may take a considerable amount of time and does not resolve the immediate issue of the role of the advisory committee and its inability to take action without a quorum.

During recent efforts to secure interested parties for the nominating bodies, several project directors expressed support for option two. Those directors specifically expressed the following: local representatives will be more vested in the operation and implementation of the projects; local representatives will place a higher priority on the Cal-SOAP meetings and will better understand the needs and challenges of the Cal-SOAP projects, and; a restructured Advisory Committee could better advise the Commission on Cal-SOAP issues.

**Option 3**
Eliminate the advisory committee. Cal SOAP projects will continue to operate with guidance/assistance from local stakeholders. The projects will also continue to work with CSAC staff. Recommendations for the program would be presented directly to the Commission.

Option three requires a statutory language change. This option also does not resolve the immediate issue as it relates to the lack of a quorum. A positive aspect of this recommendation is that all Cal SOAP projects currently operate with the direction/advisement of a governing board that consists of local representatives who have a vested interest in the well being of their local project.

The Cal-SOAP project directors will continue discussion of the Advisory Committee composition at their meeting scheduled for May 24, 2007. The results of their discussion will be brought forth to the Advisory Committee members, who will be asked for feedback. The results of these discussions will be presented to the Commission for further discussion and possible action. CSAC staff may also develop a recommendation based on the collective feedback from the project directors and the Advisory Committee.