MINUTES
UAF STAFF COUNCIL #270
Monday, April 4, 2016
8:45 - 11:15 AM
Wood Center - Ballroom
Google Hangout

I. CALL TO ORDER & ROLL CALL

A. Call to Order
   i. The meeting was called to order by President Faye Gallant at 8:45 AM.

B. Roll Call

   Present (cont.):
   Dean Ojala
   Chad Oleson (GH)
   Melissa Parks
   Wendy Rupe (GH)
   Carrie Santoro
   Samara Taber
   Christina Thompson
   Amanda Wall
   Lesli Walls
   Jami Warrick (GH)
   Trish Winners

   Excused:
   Jessica MacCallum (Proxy – C. Perkowski)
   Brandi Marrero (Proxy – V. Sung)
   Kaydee Miller (Proxy – L. Faro)
   Proxies:
   Leo Faro (for K. Miller)
   Cris Perkowski (for J. MacCallum)
   Venus Sung (for B. Marrero)

   Absent:
   Jesse Atencio
   Jill Dewey-Davidson

   Guests & Others Present:
   Jyotsna Heckman, Chair, UA
   Board of Regents
   Mike Powers, Interim Chancellor, UAF
   Lesli Drumhiller, ASUAF
   Nicole Dufour, Exec. Scty. Staff Council
   Orion Lawlor, Faculty Senate
   Kayt Sunwood, Women’s Center

   - Quorum was met.

C. Approval of Staff Council Meeting #270 Agenda
   - Approved as presented

D. Green Dot Minute
   - If you have not taken Green Dot training, you can contact HR to setup a training time that works for you and your department. When Faye recently took the training, people were asked what they could do as individuals. Her answer to this question was to include a Green Dot Minutes on each Staff Council Agenda so that we can discuss things as they arise.
   - Green Dot magnets are also available on the back table. The magnets contain a list of resources and contact information.

II. STATUS OF PENDING ACTIONS

A. Staff Council Resolution 2016-269-Proposed Changes to UA Reg. ‘R.04.07.110.I. Review of Layoff or Recall Decision’
- Background information: When the emergency changes to the layoff regulations originally made, which changed the notice period at the same time that it changed the grievance process to a review process, governance was not involved in reviewing the changes since it was an emergency action.
- The way it was setup, the person who laid someone off could be the same person who reviews the layoff.
- When Governance had a chance to review the changes, concerns were raised, particularly regarding the change from a grievance process to a review process.
- After talking to UA Human Resources, it may be possible to clarify the language to relieve some concerns.
- This resolution from UAF Staff Council has been forwarded to UA Staff Alliance. Right now, UAA, UAS, and SW staff groups have the resolution to discuss with their bodies. It will likely be addressed by Staff Alliance at their next meeting.

B. Staff Council Resolution 2016-E-1: Opposing SB 174 - Guns on Campus

i. Attachment 270-3: Resolution 2016-E-1 - APPROVED (Vote: Yes-18, No-5)

ii. Attachment 270-7: Staff Alliance Resolution Opposing SB174

iii. Attachment 270-10: Staff Council - SB174 Staff Survey Results

iv. Attachment 270-11: UA Board of Regents Resolution Regarding Senate Bill 174

v. Attachment 270-12: UA Weapons Q & A (rev. 3-22-16)
   - The Staff Council resolution was approved by an email vote.
   - Staff Alliance also passed a resolution opposing SB174. Faculty Alliance and a few other UA governance groups send letters which were shared with the regents and the legislature. The UA BOR also passed a resolution, which is attached along with a Q&A regarding weapons on campus.

III. PUBLIC COMMENT (none)

IV. STAFF ACHIEVEMENTS AND HIGHLIGHTS

A. Arctic Science Summit Week (ASSW)
   - Arctic Science Summit Week, the largest and most complex meeting that UAF has ever held, was a huge success. This required a collaborative, coordinated effort across the university. This was successful due to the shared effort of faculty, staff, students, and members of the community.
   - A few staff people who were central to the success of this event included Marmian Grimes and the entire Marketing and Communications team, Nate Bauer, Lena Kritukov, Brandi Marrero, Sue Mitchell, Juella Sparks, Michelle Strickland, Theresa Bakker, Denise Wartes, Trish Winners, note takers, timekeepers, and many others, including OIT staff. IARC and SNAP both had many staff members who worked extremely long hours to make sure this event was a success. This was a remarkable way to show off our campus, our people, and the partnerships that were formed in the weeks and months leading up to the event, which hopefully will have long term benefits to campus.

B. Science for Alaska Lecture Series – Geophysical Institute (G.I.)
   - The G.I. has been holding its ‘Science for Alaska Lecture Series’ for around twenty-four years. Seven lectures will be held as part of this year’s series. These covered topics including sea level rise, volcanoes, and the ionosphere. Nearly two hundred members of the public attended each lecture this year. Lea Gardine successfully organized this year’s lectures. G.I. staff implemented several cost savings steps associated with this year’s lecture series

C. Digital Signage Installation & Setup
   - UAF staff were also involved in the installation and setup of digital signage across campus which will keep
students, staff, and faculty up to date on current events.

D. Tom Henrichs, Director of the Geographic Information Network of Alaska (GINA) and GINA staff recently released a new satellite image map of Alaska in partnership with the Alaska Department of Natural Resources. This was the statewide digital mapping initiative. This new map shows trails which were not visible on previous state maps. This map will serve a variety of purposes including recreation, firefighting, search and rescue operations, and for land use management decisions. There is a wall sized map in the hallway between the G.I. and IARC.

V. GUEST SPEAKER
A. Jyotsna Heckman, Chair, UA Board of Regents
(See meeting recording, available online, for complete presentation:
www.uaf.edu/files/uafgov/staff-council/meetings/SC270/SC_270_April_4_2016_web_Final.mp3
Chair Heckman’s presentation begins at 17 min., 30 sec. into the recording.)
- Topics addressed include Strategic Pathways, university funding / budget, single accreditation, among others.

VI. CHANCELLOR’S REMARKS – Interim Chancellor Mike Powers
(See meeting recording, available online, for complete presentation:
www.uaf.edu/files/uafgov/staff-council/meetings/SC270/SC_270_April_4_2016_web_Final.mp3
Chancellor Powers’ presentation begins at 47 min., 8 sec. into the recording.)
- Topics addressed include, among others, the FY17 budget, the work of the Planning and Budget Committee, Title IX, Green Dot Program, bills currently in the legislature (SB207, SB209, SB174), AK Performance Scholarship, and the ongoing chancellor search.

VII. GOVERNANCE REPORTS
A. Leslie Drumhiller - ASUAF
(Timestamp: 1 hr., 5 min., 17 sec.)
- ASUAF recently completed their second advocacy trip to Juneau. They decided when they got there that they would do walk-ins with legislators. They advocated for the UAF Engineering Building, the UA budget and SB174. There was a lot of statesmanship among the legislators, who were respectful when talking with students.
- ASUAF has put forth a resolution opposing Alaska Bill 208 which would do away with the Alaska Performance Scholarship and the Alaska Education Grant.

B. Orion Lawlor, President Elect – Faculty Senate
(Timestamp: 1 hr., 23 min., 55 sec.)
- President Johnsen will be the guest speaker at this afternoon’s Faculty Senate meeting.
- There is a resolution on Strategic pathways on this agenda.
- A memo from the Planning and Budget Committee is also on the Faculty Senate agenda for later today.
- Orion feels that the idea of Strategic Pathways is great, but we have to figure out how to implement it in a way that will make sense for everyone.

VIII. BREAK

IX. OFFICERS REPORTS
A. Faye Gallant, President
(Timestamp: 1 hr., 12 min., 17 sec.)
Feedback for all Chancellor Search finalists can be submitted through this Friday. The search committee will meet early next week to finalize their thoughts and then they will meet with President Johnsen to discuss their recommendations. The goal is for the president to make a final decision on the UAF Chancellor by the end of the month. The hope is to get the new chancellor on campus by July 1.

- The candidates all commented on how welcoming UAF was and how wonderful their visits were.
- Faye thanked staff for attending the chancellor search forums. More staff participated in these forums and individuals from any other group.
- Faye thanked the Membership & Rules Committee for completing the first round of corrections to the Staff Council Bylaws.
- If there are things that you would like for Faye to bring up in her testimony to the Regents, please contact her.
- At the last Chancellor’s Cabinet meeting there was a brief update on the work of the Statewide Transformation Team. They are currently working to compile information from the various groups. Cabinet also has a presentation by Mary Kreta, with the Office of Admissions and the Registrar, and Ian Olson, from PAIR, regarding the admissions process. Cabinet was impressed with the work of this group.
- BOR meets this Thurs. and Fri in Anchorage, the link for the meeting is online on the Board of Regents website. One item that is on the BOR agenda is a request from governance to allow public testimony by distance. Right now you have to attend the meeting in person in order to participate in public testimony.
- Strategic Pathways - Staff Alliance has been charged with helping to draft criteria that will be used to determine what programs go through the Phase 1 Review. These programs will be analyzed, data will be collected, and they will look at different models. Data collection would be over the summer and the teams would work through the fall and make recommendations to the BOR by next Feb. for actions to be taken.
- They were asked to come up with criteria for what goes through that first wave of review. The president asked for this phase to include both academic programs and administrative and support programs.
- Without seeing what the SW Transformation Team comes up with in terms of what we do with some of our administration support structures is a bit awkward. There will be a very short turnaround on these criteria. If you have thoughts on criteria, please send these directly to Faye in the next few days (fsallant@alaska.edu).
- There will be a governance roll in forming the review teams. Hopefully we will have good representation from staff and from across the university on these teams.
- When you reduce programs, some things are going to get worse.
- The memo from the Planning and Budget Committee that Orion referred to really did layout some of the concerns regarding lead programs.
- Hopefully when we get to the metrics there will be ways to measure both success and negative impacts.
- Faye recommended compiling those thoughts for when we do get to that time.

B. Nate Bauer, Vice President

(Timestamp: 1 hr., 28 min., 45 sec.)

- In regard to the memo from the Planning and Budget Committee that has been referenced a few times during this meeting, Nate acknowledged as a member of the Planning and Budget Committee member that this memo has not been shared with Staff Council or with staff in general. It has been shared with faculty. Nate will work to determine how widely this memo is to be shared.
- The Provost is meeting with President Johnsen today to provide a list of UAF programs that are being recommended to undergo expedited program review. It will then be up to the president to determine which programs, if not all, or others, will go before the regents later this week. There will also be other reductions to meet the 36 million-dollar gap that will be discussed this week at the BOR meeting in Anchorage.
- The Planning and Budget Committee’s tasks since the last Staff Council meeting have been to review the larger Vice Chancellor’s (VC) packages of reductions. Members have been assigned roles on different subcommittees based on VC groups. Nate has been assigned to the Vice Chancellor of Research’s group and Trish has been assigned to the Vice Chancellor for Administrative Services group.
- In addition to the subcommittee assignments, which will continue until the 29th of this month, they have also been working on the list of programs for expedited review. This work is completed.
- The individual roles and responsibilities for Planning and Budget Committee members as representatives of their units and departments have sometimes felt nebulous. On the subcommittee's themselves, it depends on the subcommittee's work. Generally, Vice Chancellors have been asked to come up with reductions to reach a 36 million dollar UAF reduction. In Jan. this seemed like a purely worst case scenario. At this point it seems more like a realistic scenario. This means that the role of the Planning and Budget Committee, this year, is largely either to endorse the cuts that the Vice Chancellors have recommended or endorsed that which was submitted from their own dean's and directors.
- At this point, if they do not say yes to every cut that is suggested, they have to come up with a suggested cut. This means the subcommittee would be recommending cuts that the Vice Chancellors themselves have not. Or they have to think of things more qualitatively that are more holistic that may be cross cuts over VC units. They are also on a short timeline.
- The Planning and Budget Committee is not looking at programs; they are looking at things to cut.
- Nate thanked Staff Council members for their attendance and participation at the recent Chancellor Finalist Forums.
- Nate thanked Faye for her role on the Chancellor Search Committee.

X. UNFINISHED BUSINESS
A. University Advocacy Committee - 'Staff Mentoring Interest Survey'
   - No additional information

B. Chancellor Search Update
   i. Chancellor visit recap & feedback opportunities: www.uaf.edu/chancellor/search

C. Outstanding Staff Council Achievement Award
   - We have several nominees for this year's award. We will be forming a committee to review the nominations and select this year’s award winner.

D. Proposed New Regulation on Telecommuting
   - Thank you to those who provided feedback. This is now going to the CHRO, Ardith Lynch, to be incorporated into UA Regulations. There is no known timeline for this to go to the President for signature.

E. UA Strategic Pathways (See above for more information)

F. Draft Performance Evaluation Feedback
   - Those who submitted feedback were thanked. Faye will forward the feedback to Brad Lobland so that it can be incorporated into the MyUA program.

G. 2016-2017 Officer Election - Nominations Open
   - Nominations are still open for 2016-2017 Staff Council President and Vice President. The election will take place at the May meeting. Please consider either nominating someone or running for office. The officers are happy to answer any questions that you might have regarding expectations, workload, etc.

H. Committee Representatives (none)

XI. NEW BUSINESS
A. Statewide Transformation Team Update
   - This was discussed briefly above. We are awaiting the next step as they are sorting through a number of
reports which handled things in different ways. The committees worked with different charges. Some thought they were supposed to stay within the lines of what the original committee proposed and analyze that. Others thought they were supposed to come up with other ideas and not really look at what had already been presented. They are now trying to work through these varied reports. This information was presented to President Johnson and has been posted on the Statewide Transformation Team page so that you can see what the various committees came up with.

B. Strategic Pathways Forum for UAF Governance Groups hosted by President Johnson
- Thurs. Apr. 21, 8:30 - 10:00 a.m., Wood Center Ballroom

C. Motion to Amend Bylaws Section 8
i. Attachment 270-1: Motion 2016-270-1 – APPROVED
- The motion was unanimously approved by roll call vote, as follows:

For:
Jessica Allard
Jessica Armstrong
Kara Axx
Chris Brooks
Leo Faro (Proxy for K. Miller)
Susie Frei
Jane Groseclose
Stacey Howdeshell
Connie Huizenga
Kimberly Knudsen
Brad Krick
Lena Krutikov
Phil Jacobs
Jennell Merrifield
Mathew Mund
Emilie Nelson
Dean Ojala
Chad Oleson
Melissa Parks
Evelyn Pensgard

For: (cont.)
D. Motion to Amend UAF Staff Council Bylaws Sections 10 and 11
i. Attachment 270-2: Motion 2016-270-2 – APPROVED
- The motion was unanimously approved by roll call vote, as follows:

For:
Jessica Allard
Jessica Armstrong
Kara Axx
Chris Brooks
Leo Faro (Proxy for K. Miller)
Susie Frei
Jane Groseclose
Stacey Howdeshell
Kimberly Knudsen
Brad Krick
Lena Krutikov
Phil Jacobs
Jennell Merrifield
Sue Mitchell
Mathew Mund
Emilie Nelson
Dean Ojala
Chad Oleson
Melissa Parks
Chris Perkowski (Proxy for J. MacCallum)
Wendy Rupe

For: (cont.)

For: (cont.)

For: (cont.)

For: (cont.)

For: (cont.)

For: (cont.)

For: (cont.)

For: (cont.)

Against: none

XII. INTERNAL COMMITTEE REPORTS
A. Elections – Brandi Marrero, Chair - Did not meet

B. Membership and Rules - Trish Winners, Chair
   i. Attachment 270-4: Apr. Committee Report

C. Rural Affairs - Chris Brooks, Chair
   - The committee will have a representative from CRCD speak to the committee at its monthly meetings.
   - They are also looking at rural internet. Evidently there is an underwater fiber connection that will pass near Nome. The committee is looking at possibilities and prices so that they can share the information with OIT.
   - The next meeting is scheduled for Wed. Apr. 13, at 2 PM

D. Staff Affairs – Jane Groseclose, Co-Chair & Samara Taber, Co-Chair
   - The next Staff Affairs meeting is on Fri. Apr. 22.
   - The committee’s primary initiative on grievance changes has been forwarded to Staff Alliance.
   - They are now working on forming a Communications subcommittee. The goal of this committee is to help Staff Council members communicate with staff.
   - They will examine how effective their communications are with staff and how they can be improved.
   - The subcommittee will be taking over the charge of writing the meeting summary.

E. University Advocacy – Jami Warrick
   i. Attachment 270-8: Apr. Committee Report
   ii. Attachment 270-5: Healthy Nanook Survey Results
      - Jami has taken a job in a different Staff Council Unit than the one she previously represented. She will be continuing her term on Staff Council through the Special At-large position. Phil Jacobs will be co-chairing the Advocacy Committee as Jami gets up to speed on her new job and transitions.
      - The Committee’s next meeting is Wed., Apr. 13.

XIII. INTERNAL AD HOC COMMITTEE REPORTS

A. Staff Make Students Count Ad Hoc Committee
   - The award will be presented later this week at the April Board of Regents meeting.

XIV. EXTERNAL STATEWIDE COMMITTEE REPORTS (written only)

A. Staff Alliance- Staff Health Care Committee – Lesli Walls, Rep; Stacey Howdeshell, Rep; David Bantz, Alt; Sue Mitchell, Alt

(Timestamp: 2 hr., 1 min., 48 sec.)
   ii. Handout 270-1: Joint Health Care Committee (JHCC) Letter from Marc. 5, 2016
   iii. Handout 270-2: In-Network Provider Information
   iv. Handout 270-3: Tele-Medicine Information
(See the meeting recording available here for specific information: www.uaaf.edu/files/uaafgov/staff-council/meetings/SC270/SC_270_April_4_2016_Web_Final.mp3)
   - The committee met recently.
   - As of Jan. 1, UA healthcare changed so that anyone going to an out of network provider is now being paid at 125% of Medicaid rate. They have signed a resolution requesting that this be changed to 200% of the rate. This is also catching people by surprise because this is also not being applied to the annual out of pocket maximum. If you have the chance to go in-network, do so. They have opened up the travel benefit to many procedures to save costs – see the meeting recording for more information.
- Open Enrollment begins April 15. Rates will be going up.
- You are also encouraged to take advantage of the Healthy Roads program. If the program is not used, they will eventually take it away.

B. Staff Alliance Compensation Working Group – Brad Krick, Chair; Faye Gallant; Janine Smith; Mike Cox
- Meeting rescheduled to early April

C. Staff Alliance Morale Committee - Lesli Walls, Rep; Jami Warrick, Rep

XV. EXTERNAL UAF COMMITTEE REPORTS (written only)

A. Accreditation Steering Committee - On Hiatus

B. Chancellor’s Advisory Committee for the Naming of Campus Facilities - Jesse Atencio, Rep

C. Chancellor’s Diversity Action Committee (CDAC) – On Hiatus

D. Chancellor’s Planning and Budget Committee - Nate Bauer, Rep; Trish Winners, Alt

E. Chancellor Search Committee - Faye Gallant, Rep

F. Fresh Air Campus Challenge Committee – Brad Krick, Rep; Sue Miller, Alt - On Hiatus

G. Master Planning Committee (MPC) – Brad Krick, Rep
   i. Attachment 270-6: Apr. Committee Report

H. Meritorious Service Award Committee – Connie Huizenga, Rep

I. Parking Appeals Committee (PAC) - Brad Krick, Rep - Did not meet

J. People’s Endowment Committee – Jessica MacCallum, Rep

K. RISE Board – Ian Olson, Rep

L. Sustainability in Dining Committee - Mathew Mund, Rep

XVI. UAF AD HOC COMMITTEE REPORTS (written only)

A. Training & Employee Development Working Group Update - Jessica MacCallum

XVII. ROUND TABLE DISCUSSION (off the record)

XVIII. ADJOURN

- The meeting was adjourned by Vice President Faye Gallant at 11:15 AM.
University of Alaska Fairbanks
Staff Council
Motion 2016-269-1
Approved
March 7, 2016

The University of Alaska Fairbanks unanimously approved the following motion on March 7, 2016, by roll call vote:

For:
- Jessica Allard
- Jessica Armstrong
- Kara Axx
- Chris Brooks
- Susie Frei
- Jane Groseclose
- Stacey Howdeshell
- Connie Huizenga
- Phil Jacobs
- Kimberly Knudsen

For (cont.):
- Brad Krick
- Lena Krutikov
- Jessica MacCallum
- Brandi Marrero
- Jenell Merrifield
- Kaydee Miller
- Sue Mitchell
- Mathew Mund
- Emilie Nelson
- Melissa Parks

For (cont.):
- Evelyn Pensgard
- Chad Oleson
- Wendy Rupe
- Carrie Santoro
- Samara Taber
- Christina Thompson
- Amanda Wall
- Lesli Walls
- Trish Winners

Against: (none)

UAF Staff Council Motion 2016-269-1
Motion to Amend UAF Staff Council Bylaws to Clarify the Bylaws Amendment Process and Reestablish Quorum Requirements.

MOTION:
UAF Staff Council moves to amend the organization’s Bylaws to clarify the bylaws amendment process and reestablish quorum requirements, as follows:

EFFECTIVE: Immediately

REASONING: This motion amends, adds, and strikes language in both Sections 6 and 7 to clarify the amendment process and align the Staff Council quorum requirements with Robert’s Rules of Order. Grammatical changes are made to Sections 6.D. and 6.F. Section 6.G. is removed as we believe this body should abide by its bylaws as a whole—as Robert’s Rules state—or change them using due process. Quorum is defined in Section 7.A. as a simple majority rather than 51%, and is expanded to include individuals who are
Section 6. Amendments

D. Once verified, the Membership and Rules Committee will forward the PROPOSED AMENDMENT to the Executive Board for addition to the draft agenda of the next Staff Council meeting. The proposed amendment will be distributed before the next Staff Council meeting.

F. Approval of amendment(s) to the Bylaws requires a quorum and two-thirds vote of all UAF STAFF COUNCIL members representatives present AND eligible to vote in the UAF Staff Council. The vote will be HELD by roll call vote.

H.G. Suspension of bylaws must cite the specific section to be suspended and be approved by a two-thirds vote of the Staff Council members present.

Section 7. Quorum

A. A majority shall consist of QUORUM IS MET WHEN A SIMPLE MAJORITY 51% of the total count of Staff Council Representatives OR THEIR DESIGNATED PROXIES, EITHER IN PERSON OR BY ELECTRONIC MEDIA, IS PRESENT AT A UAF STAFF COUNCIL MEETING.

B. The presence of a majority of the representatives or their designated proxies, either in person or by electronic media, shall constitute a quorum. A QUORUM IS MET AT STAFF COUNCIL PERMANENT AND AD HOC COMMITTEE MEETINGS WHEN MORE THAN ONE INDIVIDUAL IS IN ATTENDANCE, EITHER IN PERSON OR BY ELECTRONIC MEDIA.
University of Alaska Fairbanks  
Staff Council  
Motion 2016-270-2  
Approved

UAF Staff Council Motion 2016-270-2  
Motion to Amend UAF Staff Council Bylaws ‘Section 10. Recall and Referendum’ and to Create Bylaws ‘Section 11. Parliamentary Authority’

The following motion was approved by UAF Staff Council, at Meeting #270, on April 4, 2016. The motion was unanimously approved by roll call vote, as follows:

**For:**
- Jessica Allard  
- Jessica Armstrong  
- Kara Axx  
- Chris Brooks  
- Leo Faro (Proxy for K. Miller)  
- Susie Frei  
- Jane Groseclose  
- Stacey Howdeshell  
- Kimberly Knudsen  
- Brad Krick  
- Lena Krutikov

**For: (cont.)**
- Phil Jacobs  
- Jenell Merrifield  
- Sue Mitchell  
- Mathew Mund  
- Emilie Nelson  
- Dean Ojala  
- Chad Oleson  
- Melissa Parks  
- Chris Perkowski (Proxy for J. MacCallum)  
- Wendy Rupe

**For: (cont.)**
- Carrie Santoro  
- Venus Sung (Proxy for B. Marrero)  
- Samara Taber  
- Christina Thompson  
- Amanda Wall  
- Lesli Walls  
- Jami Warrick  
- Trish Winners

**Against: none**

**MOTION:**
UAF Staff Council moves to amend the organization’s Bylaws ‘Section 10. Recall and Referendum’ and to Create Bylaws ‘Section 11. Parliamentary Authority,’ as follows:

**EFFECTIVE:** Immediately

**REASONING:** This motion amends language in Section 10 to provide consistency and adds Section 11 to improve organization of the bylaws by making wording consistent in Sections 10.A. and 10.B. Also, Section 11 is added; previously the ‘parliamentary authority’ statement was not in a recognized section.

April 5, 2016
Faye Gallant, President, UAF Staff Council  
Date
Motion 2016-270-2 (cont.)

CAPS = Addition
strike through = Deletion

Section 10. Recall and Referendum

A. Any representative may be recalled by the unit from which the representative was chosen. Such a recall vote shall be held upon petition of one-quarter of the members of that unit. The majority of the votes cast shall rule.

B. Any officer or member-REPRESENTATIVE of the UAF Staff Council may be petitioned for recall with a one-quarter vote of the UAF Staff Council. The majority vote cast for recall by a quorum of the UAF Staff Council shall cause the recall of that officer or member REPRESENTATIVE.

SECTION 11. PARLIAMENTARY AUTHORITY

A. THE PARLIAMENTARY AUTHORITY SHALL BE FROM THE ROBERT'S RULES OF ORDER NEWLY REVISED.
University of Alaska Fairbanks
Staff Council
Resolution 2016-E-1
Approved
March 11, 2016

The University of Alaska Fairbanks Staff Council approved the following resolution by online vote on March 11, 2016.

Resolution 2016-E-1:
Resolution in Opposition to SB 174 “An Act relating to the regulation of firearms and knives by the University of Alaska”

Whereas, the UAF Staff Council is the elected representative body of the staff of the University of Alaska Fairbanks; and

Whereas, the University of Alaska presented its position on SB 174 via a position paper issued on February 12, 2016 (attached); and

Whereas, the University of Alaska affirmed the Constitutionality of its policies in a 2014 letter from UA General Counsel to the Senate Finance committee (attached); and

Whereas, the University of Alaska outlined its clear concerns with regard to campus safety and concealed carry handguns on campus in the 2014 letter from General Counsel to Senate Finance; and

Whereas, the UAF Staff Council agrees that current University of Alaska’s policies regarding weapons on campus are reasonable and prudent; and

Whereas, the Coalition of Student Leaders of the University of Alaska voted to oppose SB 174 and provided testimony in opposition during their legislative advocacy event; and

Whereas, SB 174 would make it more difficult for the University of Alaska to proactively take measures to prevent violence on its campuses; and

Whereas, a March 2016 survey concluded that the majority of UAF staff oppose SB 174; now

Therefore, be it resolved that, the UAF Staff Council opposes SB 174, “An Act relating to the regulation of firearms and knives by the University of Alaska.”

Faye Gallant, President, UAF Staff Council
March 21, 2016

SC 13
February 12, 2016

TO: The Honorable Pete Kelly, Co-Chair, Senate Finance

FROM: Michael Hostina, General Counsel, University of Alaska, &
      Matt Cooper, Associate General Counsel

RE: University Concerns Regarding SB 174 & Request for Changes

Thank you for the opportunity to comment on SB 174. As drafted, the legislation would preclude the Board of Regents and University administration from effectively managing student and employee conflicts and campus safety issues where concealed weapons are involved. We are writing to express the University’s concerns about the proposed legislation and to request changes.

Differences Between the University and State or Municipal Governments. Unlike state or municipal laws, the University’s firearms regulations do not extend into the community at large. University policy and regulation only apply to conduct in University buildings and on UA’s developed property.1 These rules do not establish criminal penalties, and primarily affect students and University employees.

In addition, these rules are required to permit the University to manage areas, situations and people for which the University is responsible. This distinction is critical because unlike the state or a municipality, the University must proactively manage and is responsible for how thousands of students and employees interact as they live, eat, work and play on its premises.

Critical Changes Requested – UA does not support this bill because it eliminates UA’s ability to effectively manage student and employee conflicts and safety issues where concealed weapons are involved. However, amendment to permit regulation in the highly sensitive situations discussed below would address a number of concerns.

1 The University believes its current policy and regulations are constitutional and allow it to effectively deal with safety issues as they arise. Firearms are permitted: at approved and supervised activities, including rifle ranges, gun shows, etc.; in cars located on streets or in parking lots; by faculty or staff in residences and by dormitory students in approved storage, and while transporting firearms directly to residences or dormitory storage locations; and on undeveloped and uninhabited university land. As detailed in a March 31, 2014 memo to Senate Finance, the constitutional right to bear arms is not implicated when restrictions apply only to sensitive places such as schools and government buildings. That memo is attached as Appendix A.
The University must have rules to effectively manage the following critical situations. In addition, these situations are analogous to situations in which concealed carry is criminalized under current state law. However, because of technical distinctions, they fall short of coverage by criminal law, and could not be regulated by the University under the current bill. UA requests amendment to permit regulation in the following circumstances to address these critical safety issues:

1) **When the behavior of students or employees demonstrate they pose a risk of harm to themselves or others** - The Report to the NRA by the National School Shield Task Force recommends that schools react promptly to behavior that indicates a risk. However, under the bill as structured, a student or employee who exhibits behavior indicating they pose a risk of harm to themselves or others, or who exhibits warning signs including depression, suicidal gestures, or overt hostility or aggression (everyday occurrences on residential college campuses) could not be deprived of his/her concealed weapons. The Americans with Disabilities Act and comparable state law prohibits the university from simply removing mentally ill individuals from campus. Allowing regulation that provides a reviewable process to prohibit or restrict troubled individuals from possessing weapons on campus would provide an essential tool to keep campuses safe while complying with state and federal anti-discrimination law. This is particularly true given the high rate of suicide in Alaska, and the increased fatality rates associated with suicide attempts using firearms.

2) **In student dormitories or other shared living quarters** – Unlike private homes, student housing and dorms provide a high density, communal living environment for the convenience of students. Unlike private landlords, UA has significantly more responsibility for student well-being. UA serves as the “adult,” through residence advisors and other staff, monitoring student well-being, resolving disputes, and requiring compliance with rules. More than half of resident students are under 21 years old, may not legally carry concealed weapons, and do not necessarily get to choose their roommates. The bill would result in concealed weapons being present in dorms where they would be accessible to ineligible roommates and transient guests, and where alcohol is readily available for consumption. Allowing regulation

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2 This is the case even if the person is involuntarily hospitalized for psychological evaluation, if the evaluation ends without a formal finding of mental illness or formal commitment for treatment. Unless a person is formally adjudicated mentally ill he/she remains eligible to possess weapons under state and federal law. While this may be appropriate in the broader community, it is not required for “sensitive places” like schools, universities and government buildings in which there is no constitutional right to carry weapons.
that would prohibit possession of concealed weapons in shared student residences would be consistent with existing age limits on concealed carry, alcohol restrictions on possession of firearms, as well as with requirements for “adult resident” consent to concealed carry in a residence.

3) In university programs for K-12 students and in facilities where programming for K-12 students is provided – The University runs numerous dedicated programs for K-12 students on university premises. These include programs like Mat-Su Middle College and ANSEP at UAA, Upward Bound and RAHI at UAF, and summer college experience programming at UAS. Allowing regulation in this area would avoid a situation where the University cannot manage these programs consistent with existing state law that generally criminalizes adult possession of deadly and defensive weapons on K-12 grounds, in buildings, and at K-12 events.

4) In university facilities housing health and counseling services or other services related to sexual harassment or violence – University health and counseling centers and Title IX compliance offices routinely investigate allegations of sexual assault, sexual harassment and domestic violence as well as provide assistance to alleged victims and alleged perpetrators. Allowing regulation in these areas would avoid situations where the University must allow disgruntled and seriously stressed parties to bring concealed weapons to investigative or other meetings, and would parallel existing state law making possession of a firearm on the grounds of a domestic violence shelter a crime.

5) During adjudication of staff or student disputes or disciplinary issues – The University routinely adjudicates staff and student disputes, disciplinary and academic issues. On the student side these cases frequently involve assaultive behavior. Allowing regulation would avoid a situation where the University would be required to allow combative and highly stressed students or employees to carry a concealed weapon to adjudications, and would be consistent with current state law that makes possession of a firearm in a court facility a crime.

All the above situations are analogous to situations that have been criminalized under state law. Absent the ability to regulate in these high-risk areas, UA will be placed in a situation where it

3 Literally thousands of K-12 students are on our campuses during the course of a year, taking classes, participating in outreach or other educational programming.
cannot act when harm is foreseeable, and cannot comply with the standard of care suggested by those statutes.  

Permitting regulation in these circumstances has value even if the regulations are not always followed. Even criminal law does not prevent all crimes from occurring. UA’s policies, like criminal laws, allow UA to take potentially preventative action when it becomes aware of a violation that poses a threat of harm and to respond administratively when non-criminal violations occur. This is particularly important in the high conflict circumstances common on University campuses described above. UA requests that the bill be amended to permit UA to manage in these circumstances.

Concealed Carry Permit

SB 174 also omits the requirement in Senator Coghill’s 2014 bill that a person obtain a concealed handgun permit as a condition to carry a concealed handgun at the university. In 2014 the university opposed concealed carry permits as a substitute for the University’s ability to manage its students, workforce and property. For the reasons discussed in the 2014 memo to Senate Finance, a permit requirement alone is not an adequate substitute for the ability to manage in the sensitive areas described above.

However, a requirement that a person obtain a permit, in addition to the requested amendments providing University authority to regulate in these sensitive areas, makes sense in the university environment. A permit would require some training and knowledge about gun safety and applicable law, and exclude individuals with certain (but not all) criminal backgrounds from obtaining a permit.

Thank you for your consideration.

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4 The University appreciates the fact that the bill includes an immunity provision. While that should be effective against state damage claims, that will not be much consolation if an avoidable incident occurs. State immunity also may not bar certain civil rights actions or administrative sanctions by federal agencies.

5 The University is a small community where information about firearm possession may be shared by roommates, classmates or by the owner, sometimes willingly to brag or intimidate, and sometimes unwittingly.

6 Attachment A, March 31, 2014, UA General Counsel Memo to Senate Finance, at pp.7-8.
March 31, 2014

TO: The Honorable Pete Kelly, Co-Chair, Senate Finance  
The Honorable Kevin Meyer, Co-Chair, Senate Finance

THROUGH: Pat Gamble, President, University of Alaska

FROM: Michael Hostina, General Counsel, University of Alaska &  
Matt Cooper, Associate General Counsel

RE: Legal Issues Posed by the Judiciary CS for SB 176

Thank you for the opportunity to provide input regarding the legal issues posed by the Judiciary Committee Substitute for SB 176 (hereafter CS), a bill relating to the regulation of firearms by the University of Alaska.¹

The CS would require that the university permit concealed carry of handguns by permit holders on all parts of campus (other than in university pubs and in day care centers where other laws restrict possession). The CS provides that in student housing, the University could require the permit holder to provide proof of the permit and keep the handgun in a lock box when not concealed and within the person's immediate control.

The CS (and the original bill) create numerous practical and legal issues, but as discussed below, neither are required to effectuate the constitutional right to bear arms. In addition, both bills create compelling safety and risk management issues.

A. There Is No Constitutional Right To Carry Firearms On Developed University Premises

Supporters of the CS (and the original bill) argue that a bill is required because the University’s present policy of limiting firearms on the developed premises of the University is unconstitutional. While they acknowledge that the University’s policy addresses a compelling state interest in safety and prudent risk management, they argue that there is a constitutional right at issue, a “strict scrutiny” standard applies and that UA must use the least restrictive alternative to meet these compelling interests.

¹ Many of the issues raised by the CS overlap with issues raised by the original bill. Because the original bill was analyzed in a March 5, 2014, memo to Senate Majority Leader John Coghill and is part of the record, this memo will focus on the issues posed by the CS.
However, this analysis is based on a clearly flawed assumption, i.e., that there is a constitutional right to bear arms on developed University premises. That is not the case. The argument concludes with an additional error: that the CS is an alternative that would actually allow the University to address the compelling state interests of safety and prudent risk management.

1. The US Supreme Court Has Clearly Stated That Restrictions On Firearms On School Property And In Government Buildings Are “Presumptively Lawful”

The assumption that there is a constitutional right to carry firearms on school property or in government buildings is erroneous. If there was such a right, the legislature presently would be violating that right by banning firearms in the Capitol Building, on K-12 property, and in court system facilities.2

In Heller,3 the US Supreme Court case confirming the individual right to bear arms under the US Constitution, the majority stated that “[N]othing in our opinion should be taken to cast doubt on . . . laws forbidding the carrying of firearms in sensitive places such as schools and government buildings . . .”4 According to the Heller majority, such regulations are “presumptively lawful.”5 University premises are indisputably schools and/or government buildings. In addition, UA campuses are home to numerous partnerships and programs with K-12 that results in thousands of K-12 students being present on campus every day. Thus an individual has no constitutional right to carry a firearm on developed University premises.

Despite hundreds of cases contesting firearms restrictions since the 2008 decision in Heller, there are no reported state or federal cases striking down university or college firearm regulations on constitutional grounds.6 To the contrary, in a case7 contesting firearms restrictions imposed by George Mason University,8 the Virginia

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2 Federal case law is clear that a complete ban on firearms-related conduct that is in fact protected by the Second Amendment is unconstitutional. Thus for a ban to survive constitutional scrutiny, it must involve conduct not protected by the second amendment. Per Heller then, “presumptively lawful” firearms bans in schools and government buildings are not protected by the Second Amendment.
4 Id. at 626–627.
5 Id. at 627. “We identify these presumptively lawful regulatory measures only as examples; our list does not purport to be exhaustive.”
6 Supporters confuse cases involving conflicts between university policy and state law (University of Utah, University of Colorado, University of Florida) with cases questioning the constitutionality of university regulations in light of the Second Amendment or state analogues. The former involve questions of legislative authority, not constitutional rights.
7 Digiacinto v. George Mason University, 281 Va. 127, 704 S.E.2d 365 (Virginia 2011).
8 The George Mason regulation states: “Possession or carrying of any weapon by any person, except a police officer, is prohibited on university property in academic buildings, administrative office buildings,
The Supreme Court held that George Mason University was both a government entity and a school and thus a “sensitive place” where under *Heller*, firearms restrictions are presumptively valid. The challenge to George Mason’s regulation was brought on both state and federal constitutional grounds. Though the appellant could have sought review of the federal constitutional issue by the US Supreme Court, no request for US Supreme Court review was filed.

The same analysis holds true under the Alaska Constitution. In 1994 the voters of Alaska amended Alaska’s constitution to add the second sentence of Article I, Section 19, thus establishing an individual right to bear arms under Alaska’s Constitution. In *Wilson v. State*, the Alaska Court of Appeals looked at whether the 1994 amendment to Article I, Section 19 invalidated Alaska law prohibiting felons from possessing firearms. Since voters had approved the amendment to the constitution, the Court of Appeals determined the breadth of the right by examining the “meaning placed on the amendment” by the voters. Because the voters had been assured that existing laws would not be affected by the amendment, the Court concluded that the voters had not intended to invalidate existing Alaska laws regulating firearms. Thus the voters who passed the amendment did not intend to create a constitutional right that extends, for example, to carrying firearms in schools, to concealed carry under 21, to courts or other government buildings, all of which were restricted in 1994.

2. Because Regents’ Policy And University Regulation Only Apply To Developed University Premises Which Are defined By The Courts As “Sensitive Places,” No Constitutional Right Is Implicated And Strict Scrutiny/Narrow Tailoring Requirements Do Not Apply

Since *Heller*, courts typically have adopted a two-step analysis in Second Amendment cases. The first step is to determine whether a challenged policy or law is outside the scope of the Second Amendment’s protection.

To determine whether a challenged law falls outside the historical scope of the Second Amendment, we ask whether the regulation is one of the “presumptively lawful regulatory measures” identified in *Heller*, 554 U.S. at 627 n. 26, . . . (Emphasis in original.)

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9 *Digiacinto* 704 S.E.2d at 370. “The fact that George Mason is a school and that its buildings are owned by the government indicates that George Mason is a ‘sensitive place.’”

10 The National Rifle Association participated in the case as an amicus.


If the restriction is presumptively lawful, as is the case with sensitive places including schools and government buildings, the analysis stops there and the restriction is considered presumptively constitutional.

However, even if the law is within the scope of the Second Amendment, there is no default to strict scrutiny. The appropriate level of scrutiny still must be determined. Whether “strict scrutiny” applies depends on two factors:

If a prohibition falls within the historical scope of the Second Amendment, we must then proceed to the second step of the Second Amendment inquiry to determine the appropriate level of scrutiny. Chovan, 735 F.3d at 1136. When ascertaining the appropriate level of scrutiny, “just as in the First Amendment context,” we consider: “(1) ‘how close the law comes to the core of the Second Amendment right’ and (2) ‘the severity of the law’s burden on the right.’” Chovan, 735 F.3d at 1138 (quoting Ezell, 651 F.3d at 703). . . .

As we explained in Chovan, laws which regulate only the “manner in which persons may exercise their Second Amendment rights” are less burdensome than those which bar firearm possession completely. 735 F.3d at 1138; 13

Even if there were a constitutional right to bear arms in schools and government buildings, strict scrutiny would not apply in a case involving government regulation of firearms on government premises. The University’s policies do not restrict firearms in the broader community or constitute a ban, even on University premises. The University regulates firearms only on University-controlled premises, in those limited areas for which it is responsible. 14 The University’s policy does not intrude into the community at large or into private homes to broadly restrict firearms possession or use. University restrictions apply only in a part of the broader community, i.e., on the University’s developed premises, and even then with exceptions. Heller’s broad declaration that firearms restrictions in sensitive places are presumptively lawful makes clear that it would be error (and perhaps disingenuous) to focus on a restriction’s impact in a limited area rather than on its impact in the community at large or in private homes. Otherwise the most narrowly tailored restriction could be shown to be unduly burdensome in that narrow area.

The University’s developed premises and buildings have been defined by both the courts and the Alaska legislature as sensitive places in which firearms regulation is

13 Id.
14 Such a restriction is analogous to permissible time, place and manner restrictions in First Amendment speech cases.
presumptively lawful and outside the scope of the Second Amendment’s protections.\textsuperscript{15} As a result, no further constitutional analysis is appropriate, much less an analysis applying strict scrutiny.

\textbf{B. Concealed Carry By Permit Is Not Less restrictive Or More Effective Than Current University Policy}

For the reasons discussed below, the concealed carry permit system in the CS is not less restrictive than current policy in certain circumstances. The CS would potentially intrude on the rights of everyone who brings a firearm to campus while preventing the University from addressing the acknowledged compelling interests of safety and prudent risk management on UA campuses.\textsuperscript{16}

1. UA’s Current Policy Is Minimally Restrictive But Effective

UA’s current policy does not ban long guns from campus, or require everyone bringing a handgun to campus to have a concealed carry permit. Absent special arrangements, weapons are not permitted in UA buildings, including student dorms, classrooms, labs and meeting places. Weapons are permitted: at approved and supervised activities, including rifle ranges, gun shows, etc.; in cars on streets and in parking lots; by faculty or staff in residences; on undeveloped and uninhabited land. Thus members of the public who are merely transiting campus or who cross undeveloped land currently face no constraints on their Second Amendment rights.

Bill supporters argue that the University’s current policy does not prevent concealed guns on campus and thus creates safety and liability problems. This argument ignores the fact that a permit requirement also could be ignored and will create other difficulties. It also is based on a flawed assumption that rules only have value if they are followed. Even criminal law does not prevent all crimes from occurring. Nor does the CS simply preserve the status quo.

\textsuperscript{15} The Virginia Supreme Court put it this way: “Further, the statutory structure establishing GMU is indicative of the General Assembly's recognition that it is a sensitive place, and it is also consistent with the traditional understanding of a university. Unlike a public street or park, a university traditionally has not been open to the general public, “but instead is an institute of higher learning that is devoted to its mission of public education.” Moreover, parents who send their children to a university have a reasonable expectation that the university will maintain a campus free of foreseeable harm.” \textit{Digiacinto} 704 S.E.2d at 370. (Citations omitted.)

\textsuperscript{16} If strict scrutiny applied, a court would consider whether the compelling government interest actually could be met by a less restrictive means. The test is thus two parts: is a less restrictive alternative available; and does the alternative still meet the compelling state interest. The CS does not meet those interests and thus does not demonstrate that there is a less restrictive alternative for the University’s policy. Again, restrictions that apply only to schools and government buildings like the University’s restrictions are excepted from Second Amendment coverage.
UA’s policies, like criminal laws, allow UA to take action when it becomes aware of a violation, in this case, the presence of any weapon on developed premises. This is particularly important in problematic circumstances common on University campuses and described in more detail below. The CS, however, would prohibit any UA response even in circumstances when UA knows of a threatening situation and thus is likely to be held liable for failure to act.

C. The CS Prevents the University From Meeting Applicable Standards Of Care While Increasing The Potential For Foreseeable Harm and Liability

Generally the University only may be held liable for harm that occurs on campus if its actions have not met the standard of care that applies to a particular incident. However, if a crime or injury is “legally caused” by the University’s breach of a standard of care it owes to the injured party, the University will be liable. The foreseeability of harm is an important factor in determining legal causation, particularly with respect to third-party acts.

1. A University Is In A Unique Position of Responsibility For Its Students

The standard of care imposed on the University with respect to students and other invitees on campus is quite high compared to the standard of care imposed, for example, on a municipality for public streets or open spaces like parks. This is due to a variety of factors, including that UA is deemed to be in control of its developed property, invites young people onto its property, educates, feeds and houses them under its supervision and is treated by parents, federal law and state common law as responsible to a significant degree for the well-being and safety of students.

2. The CS Prevents The University From Meeting Standards In State Law

The CS increases the likelihood that UA will be held liable for weapons-related crimes, as well as accidents and injuries relating to firearms. It does so by preventing UA from regulating firearms consistent with the standards in current state law. The CS would require that UA allow concealed carry permit holders to carry handguns in sensitive areas and situations on UA campuses when state law criminalizes firearms possession in similar circumstances off-campus. These situations include:

• Possession of a firearm on the grounds of a K-12 school is a crime - but the CS would require UA to permit firearms in areas where K-12 students are regularly on UA’s

17Supporters discount the potential for identifying concealed carry. However, the University is a small community where information about firearm possession may be shared by roommates, classmates or by the owner, sometimes willingly to brag or intimidate, and sometimes unwittingly.
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campuses in large numbers, sometimes in extended residential, enrichment and college prep programs, often daily after school.

- Concealed carry under 21 is a crime - but the CS would require permitting firearms in dorms where 60% of UA residential students are under 21, and where, unlike private housing, UA is the “adult” – UA retains authority and responsibility for dorms, and hires Resident Assistants to maintain safety, order and provide counseling;

- Possessing a loaded firearm in a place where intoxicating liquor is served is a crime - but the CS would require UA to permit firearms in dormitories where liquor is present;

- Possession of a firearm in a child care facility or adjacent parking lot is a crime - but the CS would require permitting firearms in nearby locations since both UAA and UAF have child care facilities integrated on campus;

- Possession of a firearm in a court facility is a crime, but the CS would require UA to permit firearms in potentially contentious adjudications of staff and student disciplinary and academic issues;

- Possession of a firearm on the grounds of a domestic violence shelter is a crime - but the CS would require UA to permit firearms in health and counseling centers as well as sexual harassment offices.

Supporters of the CS state that UA will be able to take action with respect to any crimes that are committed under these statutes. That is true, but misleading. UA will be placed in a situation where it cannot act before harm occurs where the harm is foreseeable, or apply the standard of care suggested by these statutes in analogous but non-criminal situations. However, UA will still be held to those higher standards.

The CS also would not allow UA to meet the standard of care related to the permit requirement. Other than in the dorms, the CS provides no authority for UA to determine whether someone who carries concealed actually has a permit. Thus while UA would be expected to ensure that only permit holders carry firearms on campus, it will be unable to do so.

3. The CS Does Not Meet Standards In The Report To The NRA By The National School Shield Task Force

Supporters of the CS argue that UA could be liable for failing to permit weapons on campus in the event of a mass shooting. That argument is not supported by any legal standard of which we are aware, and is inconsistent in at least two respects with recommendations (standards) contained in the Report to the NRA by the National School Shield Task Force.
That report recommends that schools react promptly to behavior that indicates a risk. Under present policy, UA can respond promptly to reports of any weapons possession on developed property and take appropriate action. Under the CS, that would no longer be the case. The CS would prevent restrictions on permit holders who have committed or who later commit certain crimes. The permit law allows one class A misdemeanor in the past 6 years. So UA could not restrict concealed carry if a permit holder: is convicted once, for example, of violating a protective order, stalking in the second degree, assault in the 4th degree, or is convicted of an Attempt or Solicitation of a Class C Felony.

The CS also would prohibit UA from restricting weapons of permit holders whose behavior indicates risk apart from convictions. For example, someone who is known to possess firearms on campus and who is involuntarily hospitalized for psychological evaluation (which often ends without a formal finding of mental illness or formal commitment for treatment), or who exhibits warning signs including depression, suicidal ideation or gestures, or overt hostility or aggression (everyday occurrences on residential college campuses) could not be deprived of his/her weapons. That’s because no state law prohibits possession of weapons by those with psychological disturbances; federal law prohibits possession by those “adjudicated as a mental defective” or “committed to a mental institution.” These formal mental health adjudications are relatively rare. Foreseeability of harm creates an expectation and standard that UA will respond when troubling events occur.

The same NRA-sponsored report recommends 60-80 hours of training for selected school employees who are authorized to be armed. By contrast, a concealed carry permit requires only 12 hours of self-defense, legal and weapons handling training. Permitees self-select.

Thus under the CS or the original bill, UA’s policy could not meet the NRA’s recommended standard for possession of firearms on school grounds or for responding to indicators of threats.

D. Summary And Conclusion

UA’s policies are presumptively constitutional because they apply to “sensitive places” identified in federal and state law, i.e., schools and government buildings, and involve circumstances analogous to longstanding prohibitions. Even if that were not the case,

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18 Jared Lee Loughner was suspended from Pima County Community College for bizarre behavior three months before he killed six people at a constituent’s meeting with Representative Gabrielle Giffords. Despite evidence of mental illness he apparently was never formally adjudicated are remained eligible to possess weapons under state and federal law. He thus would have been eligible for a concealed carry permit applying Alaska standards.
strict scrutiny would not be applicable to restrictions that are time, place and manner oriented and that do not apply to broader communities or private homes.

The University’s current policy is constitutional, minimally restrictive, and, in contrast to the proposed legislation, effective. Current policy allows the University to take action precisely when harm is foreseeable. By contrast, the proposed legislation would prevent the University from taking action with respect to weapons in problematic circumstances that are commonplace on university campuses. As a result, the rationale for this legislation is fundamentally flawed.

Taken together these limitations will result in inability to remove offenders with weapons from campus, loss of control over conduct on UA premises, and dramatically limit UA’s ability to intervene early in conflicts or unsafe behavior. This creates greater potential for situations in which UA is unable to act to prevent foreseeable harm to third parties and greater potential for liability.

Because UA owes a duty of care to students and invitees on campus, and because the CS as well as the original bill would prohibit UA from meeting the standard of care suggested by existing state law and other sources of applicable standards, in circumstances where harm is foreseeable, this legislation will lead to an increased potential for liability in the event of weapons-related crimes or accidental injuries on campus.

Violence on campus is extremely rare. However, legislation that forecloses the possibility of proactive response to behavior that places the University on notice of foreseeable harm is not sound public policy and should be avoided, particularly where it solves no other problem.
### Membership & Rules Committee Report

**3/15/2016**  

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<thead>
<tr>
<th>Number</th>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Quorum is met. Roll Call - Trish Winners, Melissa Parks, Brad Krick, Jessica MacCallum, Amanda Wall, Mathew Mund</td>
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<td></td>
<td>Guests: Brandi Marrero, Phil Jacobs, Nicole Dufour</td>
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<td>2</td>
<td>Greeted new M&amp;R members - Amanda Wall &amp; Melissa Parks!</td>
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<td>3</td>
<td>Discussed: Tie-breakers in elections; Special Guests: Brandi &amp; Phil from Elections The group felt the best idea is to have a run-off vote to just include the folks who tied. M&amp;R will look at updating the bylaws to reflect this; Elections will look into other software or applications that could simplify this task, particularly the new ASUAF elections software. It must allow vetting of WHO can vote, as the run-off still must be voted on only by the affected unit. Hopefully new software will shorten the process for Nicole; Nicole may have a time issue. Also, run-off election turn-around time should be limited to 1 week; full election must be done in time to allow reps to take their places before Orientation Jan/Feb.</td>
<td>T.Winners/B.Marrero/P.Jacobs</td>
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<td>4</td>
<td>Section 8 Motion - All approve. Send a copy to Nicole. Update Motions Log. Bring motion to April SC meeting. <a href="https://docs.google.com/document/d/1AxW9jHlzqPBvlKZhZuSRwF7RxbzMVVY-18drberyXw/edit">https://docs.google.com/document/d/1AxW9jHlzqPBvlKZhZuSRwF7RxbzMVVY-18drberyXw/edit</a></td>
<td>M.Mund</td>
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<td>5</td>
<td>Finished Bylaw Review of Section 9 &amp; 10; added 11 for Parliamentary Authority. Small changes to Section 10. Bring motion to April SC meeting.</td>
<td>T.Winners</td>
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<td>6</td>
<td>Unit Review - Motion to Combine USA Departments into Unit 7. Some members of the group wanted to ensure the unit reps got feedback from their constituents before this change was made. Trish forwarded motion to the reps to share with their units; feedback was favorable to the change. Motion written and approved by M&amp;R and reps. Bring to April SC meeting. <a href="https://drive.google.com/drive/folders/0B5r3amZ5UkkgZml4eG4wY0tBTIU">https://drive.google.com/drive/folders/0B5r3amZ5UkkgZml4eG4wY0tBTIU</a></td>
<td>T.Winners/M&amp;R Team</td>
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<tr>
<td>7</td>
<td>Unit Review - Connie Huizenga/Computer Science; move from Unit 10 to Unit 3. Everyone agreed to the change and approved the motion, but Trish modified the motion to clarify that computer science was always under CEM, but was split. Motion was updated and sent to unit reps and M&amp;R. Feedback was favorable to motion. Bring motion to April SC meeting. <a href="https://drive.google.com/drive/folders/0B5r3amZ5UkkgZ0gtSldYbFlITXc">https://drive.google.com/drive/folders/0B5r3amZ5UkkgZ0gtSldYbFlITXc</a></td>
<td>T.Winners/M&amp;R Team</td>
</tr>
<tr>
<td>8</td>
<td>SC Meeting Notes gathered/compiled &amp; sent out to SC reps in Word format to revise/share.</td>
<td>A.Wall/B.Krick/M.Mund</td>
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**Action Items:**

- Elections Tie-breakers - M&R update bylaws to allow run-off in case of tie, 1 week turn-around. Elections to consider new software that can make this simpler.  
- DONE
- Bylaws Section 8 Motion - Send to Nicole. Sent 3/15  
- DONE
- Bylaws Sections 9&10(& new 11) - Group approved changes, Trish to wrote motion.  
- DONE
- Unit Review - USA to Unit 7 - Trish will update wording to be "effective at the next regular election", instead of "immediately." Then forward to reps and to Nicole for SC vote. Updated and sent to M&R for approval 3/15.  
- DONE
- Trish to modify the motion to clarify that computer science was always under CEM, but was split; send to Nicole.  
- DONE
- Update Motions Log

**Future Business:**

The Executive Board feels Membership & Rules is the right group to define the At-Large Rep role. We will begin a full discussion of this at a later meeting. A few ideas were brought up during the meeting including having the more experienced reps take the floating roles and mentor new reps, also perhaps have the floaters responsible for 3 units each for which they mentor and serve as a proxy as needed, perhaps only vote when they are serving as a proxy.

**MEMBERS:** Trish Winners (C), Jessica MacCallum, Brad Krick, Mathew Mund, Amanda Wall, Melissa Parks

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*Where M&R Spells Fun!*
Healthy Nanook Survey - Results

Fall 2015 - Spring 2016

What type of classes would you like to see offered? (312 responses)

- Cardio: 83 (26.6%)
- Weight training: 65 (20.8%)
- Yoga: 88 (28.2%)
- Other: 89 (28.5%)

Which time would work best with your schedule? (314 responses)

- Early Morning: 120 (38.2%)
- Mid-Day (Lunch): 131 (41.7%)
- Late Afternoon: 183 (58.3%)
- Evening (after work): 61 (19.4%)
- Other: 17 (5.4%)

What length is ideal for a fitness or health/wellness class? (313 responses)

- 30 min: 96 (30.4%)
- 45 min: 196 (62.6%)
- 60 min: 109 (34.8%)
- Other: 7 (2.2%)
Where would you be willing to attend classes? (312 responses)

- 33.3% In my building
- 24.7% A nearby building
- 11.5% The Student Recreation Center
- 30.4% Other

What days of the week would you like to see these classes offered? (312 responses)

- Sunday: 12 (3.8%)
- Monday: 102 (32.7%)
- Tuesday: 97 (31.1%)
- Wednesday: 106 (34%)
- Thursday: 96 (30.8%)
- Friday: 88 (28.2%)
- Saturday: 24 (7.7%)
- Weekdays: 70 (22.6%)
- Weekend: 60 (19.2%)
- Total: 216 (69.2%)

How often would you be willing to meet for class? (313 responses)

- 31.3% Once a month
- 31.6% Twice a month
- 8.6% Weekly
- 24.3% Twice a week
- 8.6% Three times a week
- 0% Daily
- 0% Other
Would you be willing to contribute toward the cost for the class instructor (instructor cost is generally $10 - $15 per hour)?
(312 responses)

Would you also be interested in group sessions related to workplace wellness and/or nutrition?
(311 responses)
Brad Krick, Representative; Alternate Not Filled

MPC met on March 24. The March 10 meeting was cancelled due to a lack of agenda items.

**Student Representative on MPC**

The committee’s previous student representative has resigned due to scheduling conflicts. The committee is looking for a new student representative.

**Summer Construction**

Facilities Services is in the process of putting together a summer construction map. There is some activity happening, but not as much as recent years.

Work on the Himalaya Trail by Bear’s crew (running along the hillside between the Haida Lot and IAB Greenhouse) will continue this summer, thanks to money from the UAF Alumni Association.

**Campus Core Vehicle Access / Problems with Bollards**

There was some discussion about the problems with bollards installed between Gruening and Wickersham. One problem is that vehicles have damaged the installed bollards. It is hoped that this might go away as drivers become more used to this area no longer being a thoroughfare.

A second problem is that the bollards, once lowered, can still damage vehicles. A UAF fire truck’s tire was damaged when it drove over a lowered bollard. According to Facilities Services, the basic problem is that there are no bollard systems that are built for our freeze/thaw cycle - bollards that could retract so that the are flush with the ground would have problems with an Alaskan winter. They’re still looking for a solution.

**Next Meeting**

Master Planning is scheduled to meet again on April 7 and April 21.
Staff Alliance

Resolution 2016-02

Opposing SB 174 “An Act relating to the regulation of firearms and knives by the University of Alaska”

Whereas, the University of Alaska Staff Alliance is comprised of eight elected representatives of UA staff, from all three UA campuses and from UA statewide offices;

Whereas, the University of Alaska presented its position on SB 174 via a position paper issued on February 12, 2016 (attached);

Whereas, the University of Alaska affirmed the Constitutionality of its policies in a 2016 letter from UA General Counsel to the Senate Finance committee (attached);

Whereas, the University of Alaska outlined its clear concerns with regard to campus safety and concealed carry handguns on campus in the 2016 letter from General Counsel to Senate Finance;

Whereas, the Staff Alliance agrees that the University of Alaska’s policies regarding weapons on campus are reasonable and prudent;

Whereas, the Coalition of Student Leaders of the University of Alaska voted to oppose SB 174 and provided testimony in opposition during their legislative advocacy event;

Whereas, SB 174 would make it more difficult for the University of Alaska to proactively take measures to prevent violence on its campuses;

Now, therefore be it resolved that, the Staff Alliance opposes SB 174, “An Act relating to the regulation of firearms and knives by the University of Alaska.”
Adopted by Staff Alliance the 16th day of March 2016.

Faye Gallant, Chair

Voting results as attested by Morgan Dufseth, Executive Officer:
Yes – 6
No – 0
Abstained – 2
February 12, 2016

University of Alaska Concerns About SB 174
Concealed Carry on Campus

SB 174 takes away most of the Board of Regents’ authority to regulate the carrying of concealed handguns and knives at the university, even by persons who don’t have a concealed carry permit.

As drafted, the legislation would preclude the Board of Regents and University administration from effectively managing student and employee conflicts and campus safety issues where concealed weapons are involved. The Board of Regents and UA Administration oppose the bill in its current form. The following details the University’s concerns about the proposed legislation and explains changes requested by the University.

**Differences Between the University and State or Municipal Governments.** Unlike state or municipal laws, the University’s firearms regulations do not extend into the community at large. University policy and regulation only apply to conduct in University buildings and on UA’s developed property. These rules do not establish criminal penalties, and primarily affect students and University employees.

In addition, these rules are required to permit the University to manage areas, situations and people for which the University is responsible. This distinction is critical because unlike the state or a municipality, the University must proactively manage and is responsible for how thousands of students and employees interact as they live, eat, work and play on its premises.

**Critical Changes Requested** – UA does not support this bill because it eliminates UA’s ability to effectively manage student and employee conflicts and safety issues where concealed weapons are involved. However, amendment to permit regulation in the highly sensitive situations discussed below would address a number of concerns.

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1 The University believes its current policy and regulations are constitutional and allow it to effectively deal with safety issues as they arise. Firearms are permitted: at approved and supervised activities, including rifle ranges, gun shows, etc.; in cars located on streets or in parking lots; by faculty or staff in residences and by dormitory students in approved storage, and while transporting firearms directly to residences or dormitory storage locations; and on undeveloped and uninhabited university land. As detailed in a March 31, 2014 memo to Senate Finance, the constitutional right to bear arms is not implicated when restrictions apply only to sensitive places such as schools and government buildings. That memo is attached as Appendix A.
The University must have rules to effectively manage the following critical situations. In addition, these situations are analogous to situations in which concealed carry is criminalized under current state law. However, because of technical distinctions, they fall short of coverage by criminal law, and could not be regulated by the University under the current bill. UA requests amendment to permit regulation in the following circumstances to address these critical safety issues:

1) When the behavior of students or employees demonstrate they pose a risk of harm to themselves or others - The Report to the NRA by the National School Shield Task Force recommends that schools react promptly to behavior that indicates a risk. However, under the bill as structured, a student or employee who exhibits behavior indicating they pose a risk of harm to themselves or others, or who exhibits warning signs including depression, suicidal gestures, or overt hostility or aggression (everyday occurrences on residential college campuses) could not be deprived of his/her concealed weapons. The Americans with Disabilities Act and comparable state law prohibits the university from simply removing mentally ill individuals from campus. Allowing regulation that provides a reviewable process to prohibit or restrict troubled individuals from possessing weapons on campus would provide an essential tool to keep campuses safe while complying with state and federal anti-discrimination law. This is particularly true given the high rate of suicide in Alaska, and the increased fatality rates associated with suicide attempts using firearms.

2) In student dormitories or other shared living quarters – Unlike private homes, student housing and dorms provide a high density, communal living environment for the convenience of students. Unlike private landlords, UA has significantly more responsibility for student well-being. UA serves as the “adult,” through residence advisors and other staff, monitoring student well-being, resolving disputes, and requiring compliance with rules. More than half of resident students are under 21 years old, may not legally carry concealed weapons, and do not necessarily get to choose their roommates. The bill would result in concealed weapons being present in dorms where they would be accessible to ineligible roommates and transient guests, and where alcohol is readily available for consumption. Allowing regulation that would prohibit possession of concealed weapons in shared student residences would be

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2 This is the case even if the person is involuntarily hospitalized for psychological evaluation, if the evaluation ends without a formal finding of mental illness or formal commitment for treatment. Unless a person is formally adjudicated mentally ill he/she remains eligible to possess weapons under state and federal law. While this may be appropriate in the broader community, it is not required for “sensitive places” like schools, universities and government buildings in which there is no constitutional right to carry weapons.
consistent with existing age limits on concealed carry, alcohol restrictions on possession of firearms, as well as with requirements for “adult resident” consent to concealed carry in a residence.

3) **In university programs for K-12 students and in facilities where programming for K-12 students is provided** – The University runs numerous dedicated programs for K-12 students on university premises. These include programs like Mat-Su Middle College and ANSEP at UAA, Upward Bound and RAHI at UAF, and summer college experience programming at UAS. Allowing regulation in this area would avoid a situation where the University cannot manage these programs consistent with existing state law that generally criminalizes adult possession of deadly and defensive weapons on K-12 grounds, in buildings, and at K-12 events.

4) **In university facilities housing health and counseling services or other services related to sexual harassment or violence** – University health and counseling centers and Title IX compliance offices routinely investigate allegations of sexual assault, sexual harassment and domestic violence as well as provide assistance to alleged victims and alleged perpetrators. Allowing regulation in these areas would avoid situations where the University must allow disgruntled and seriously stressed parties to bring concealed weapons to investigative or other meetings, and would parallel existing state law making possession of a firearm on the grounds of a domestic violence shelter a crime.

5) **During adjudication of staff or student disputes or disciplinary issues** – The University routinely adjudicates staff and student disputes, disciplinary and academic issues. On the student side these cases frequently involve assaultive behavior. Allowing regulation would avoid a situation where the University would be required to allow combative and highly stressed students or employees to carry a concealed weapon to adjudications, and would be consistent with current state law that makes possession of a firearm in a court facility a crime.

All the above situations are analogous to situations that have been criminalized under state law. Absent the ability to regulate in these high-risk areas, UA will be placed in a situation where it

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3 Literally thousands of K-12 students are on our campuses during the course of a year, taking classes, participating in outreach or other educational programming.
cannot act when harm is foreseeable, and cannot comply with the standard of care suggested by those statutes. 4

Permitting regulation in these circumstances has value even if the regulations are not always followed. Even criminal law does not prevent all crimes from occurring. UA’s policies, like criminal laws, allow UA to take potentially preventative action when it becomes aware of a violation that poses a threat of harm5 and to respond administratively when non-criminal violations occur. This is particularly important in the high conflict circumstances common on University campuses described above. UA requests that the bill be amended to permit UA to manage in these circumstances.

Concealed Carry Permit

SB 174 also omits the requirement in Senator Coghill’s 2014 bill that a person obtain a concealed handgun permit as a condition to carry a concealed handgun at the university. In 2014 the university opposed concealed carry permits as a substitute for the University’s ability to manage its students, workforce and property. For the reasons discussed in the 2014 memo to Senate Finance,6 a permit requirement alone is not an adequate substitute for the ability to manage in the sensitive areas described above.

However, a requirement that a person obtain a permit, in addition to the requested amendments providing University authority to regulate in these sensitive areas, makes sense in the university environment. A permit would require some training and knowledge about gun safety and applicable law, and exclude individuals with certain (but not all) criminal backgrounds from obtaining a permit.

4 The University appreciates the fact that the bill includes an immunity provision. While that should be effective against state damage claims, that will not be much consolation if an avoidable incident occurs. State immunity also may not bar certain civil rights actions or administrative sanctions by federal agencies.
5 The University is a small community where information about firearm possession may be shared by roommates, classmates or by the owner, sometimes willingly to brag or intimidate, and sometimes unwittingly.
6 Attachment A, March 31, 2014, UA General Counsel Memo to Senate Finance, at pp.7-8.
February 12, 2016

TO: The Honorable Pete Kelly, Co-Chair, Senate Finance

FROM: Michael Hostina, General Counsel, University of Alaska, & Matt Cooper, Associate General Counsel

RE: University Concerns Regarding SB 174 & Request for Changes

Thank you for the opportunity to comment on SB 174. As drafted, the legislation would preclude the Board of Regents and University administration from effectively managing student and employee conflicts and campus safety issues where concealed weapons are involved. We are writing to express the University’s concerns about the proposed legislation and to request changes.

Differences Between the University and State or Municipal Governments. Unlike state or municipal laws, the University’s firearms regulations do not extend into the community at large. University policy and regulation only apply to conduct in University buildings and on UA’s developed property. These rules do not establish criminal penalties, and primarily affect students and University employees.

In addition, these rules are required to permit the University to manage areas, situations and people for which the University is responsible. This distinction is critical because unlike the state or a municipality, the University must proactively manage and is responsible for how thousands of students and employees interact as they live, eat, work and play on its premises.

Critical Changes Requested – UA does not support this bill because it eliminates UA’s ability to effectively manage student and employee conflicts and safety issues where concealed weapons are involved. However, amendment to permit regulation in the highly sensitive situations discussed below would address a number of concerns.

1 The University believes its current policy and regulations are constitutional and allow it to effectively deal with safety issues as they arise. Firearms are permitted: at approved and supervised activities, including rifle ranges, gun shows, etc.; in cars located on streets or in parking lots; by faculty or staff in residences and by dormitory students in approved storage, and while transporting firearms directly to residences or dormitory storage locations; and on undeveloped and uninhabited university land. As detailed in a March 31, 2014 memo to Senate Finance, the constitutional right to bear arms is not implicated when restrictions apply only to sensitive places such as schools and government buildings. That memo is attached as Appendix A.
The University must have rules to effectively manage the following critical situations. In addition, these situations are analogous to situations in which concealed carry is criminalized under current state law. However, because of technical distinctions, they fall short of coverage by criminal law, and could not be regulated by the University under the current bill. UA requests amendment to permit regulation in the following circumstances to address these critical safety issues:

1) **When the behavior of students or employees demonstrate they pose a risk of harm to themselves or others** - The Report to the NRA by the National School Shield Task Force recommends that schools react promptly to behavior that indicates a risk. However, under the bill as structured, a student or employee who exhibits behavior indicating they pose a risk of harm to themselves or others, or who exhibits warning signs including depression, suicidal gestures, or overt hostility or aggression (everyday occurrences on residential college campuses) could not be deprived of his/her concealed weapons. The Americans with Disabilities Act and comparable state law prohibits the university from simply removing mentally ill individuals from campus. Allowing regulation that provides a reviewable process to prohibit or restrict troubled individuals from possessing weapons on campus would provide an essential tool to keep campuses safe while complying with state and federal anti-discrimination law. This is particularly true given the high rate of suicide in Alaska, and the increased fatality rates associated with suicide attempts using firearms.

2) **In student dormitories or other shared living quarters** – Unlike private homes, student housing and dorms provide a high density, communal living environment for the convenience of students. Unlike private landlords, UA has significantly more responsibility for student well-being. UA serves as the “adult,” through residence advisors and other staff, monitoring student well-being, resolving disputes, and requiring compliance with rules. More than half of resident students are under 21 years old, may not legally carry concealed weapons, and do not necessarily get to choose their roommates. The bill would result in concealed weapons being present in dorms where they would be accessible to ineligible roommates and transient guests, and where alcohol is readily available for consumption. Allowing regulation

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2 This is the case even if the person is involuntarily hospitalized for psychological evaluation, if the evaluation ends without a formal finding of mental illness or formal commitment for treatment. Unless a person is formally adjudicated mentally ill he/she remains eligible to possess weapons under state and federal law. While this may be appropriate in the broader community, it is not required for “sensitive places” like schools, universities and government buildings in which there is no constitutional right to carry weapons.
that would prohibit possession of concealed weapons in shared student residences would be consistent with existing age limits on concealed carry, alcohol restrictions on possession of firearms, as well as with requirements for “adult resident” consent to concealed carry in a residence.

3) In university programs for K-12 students and in facilities where programming for K-12 students is provided – The University runs numerous dedicated programs for K-12 students on university premises. These include programs like Mat-Su Middle College and ANSEP at UAA, Upward Bound and RAHI at UAF, and summer college experience programming at UAS. Allowing regulation in this area would avoid a situation where the University cannot manage these programs consistent with existing state law that generally criminalizes adult possession of deadly and defensive weapons on K-12 grounds, in buildings, and at K-12 events.

4) In university facilities housing health and counseling services or other services related to sexual harassment or violence – University health and counseling centers and Title IX compliance offices routinely investigate allegations of sexual assault, sexual harassment and domestic violence as well as provide assistance to alleged victims and alleged perpetrators. Allowing regulation in these areas would avoid situations where the University must allow disgruntled and seriously stressed parties to bring concealed weapons to investigative or other meetings, and would parallel existing state law making possession of a firearm on the grounds of a domestic violence shelter a crime.

5) During adjudication of staff or student disputes or disciplinary issues – The University routinely adjudicates staff and student disputes, disciplinary and academic issues. On the student side these cases frequently involve assaultive behavior. Allowing regulation would avoid a situation where the University would be required to allow combative and highly stressed students or employees to carry a concealed weapon to adjudications, and would be consistent with current state law that makes possession of a firearm in a court facility a crime.

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3 Literally thousands of K-12 students are on our campuses during the course of a year, taking classes, participating in outreach or other educational programming.
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**Concealed Carry Permit**

SB 174 also omits the requirement in Senator Coghill’s 2014 bill that a person obtain a concealed handgun permit as a condition to carry a concealed handgun at the university. In 2014 the university opposed concealed carry permits as a substitute for the University’s ability to manage its students, workforce and property. For the reasons discussed in the 2014 memo to Senate Finance, a permit requirement alone is not an adequate substitute for the ability to manage in the sensitive areas described above.

However, a requirement that a person obtain a permit, in addition to the requested amendments providing University authority to regulate in these sensitive areas, makes sense in the university environment. A permit would require some training and knowledge about gun safety and applicable law, and exclude individuals with certain (but not all) criminal backgrounds from obtaining a permit.

Thank you for your consideration.

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4 The University appreciates the fact that the bill includes an immunity provision. While that should be effective against state damage claims, that will not be much consolation if an avoidable incident occurs. State immunity also may not bar certain civil rights actions or administrative sanctions by federal agencies.

5 The University is a small community where information about firearm possession may be shared by roommates, classmates or by the owner, sometimes willingly to brag or intimidate, and sometimes unwittingly.

6 Attachment A, March 31, 2014, UA General Counsel Memo to Senate Finance, at pp.7-8.
March 31, 2014

TO: The Honorable Pete Kelly, Co-Chair, Senate Finance
    The Honorable Kevin Meyer, Co-Chair, Senate Finance

THROUGH: Pat Gamble, President, University of Alaska

FROM: Michael Hostina, General Counsel, University of Alaska &
      Matt Cooper, Associate General Counsel

RE: Legal Issues Posed by the Judiciary CS for SB 176

Thank you for the opportunity to provide input regarding the legal issues posed by the Judiciary Committee Substitute for SB 176 (hereafter CS), a bill relating to the regulation of firearms by the University of Alaska.¹

The CS would require that the university permit concealed carry of handguns by permit holders on all parts of campus (other than in university pubs and in day care centers where other laws restrict possession). The CS provides that in student housing, the University could require the permit holder to provide proof of the permit and keep the handgun in a lock box when not concealed and within the person's immediate control.

The CS (and the original bill) create numerous practical and legal issues, but as discussed below, neither are required to effectuate the constitutional right to bear arms. In addition, both bills create compelling safety and risk management issues.

A. There Is No Constitutional Right To Carry Firearms On Developed University Premises

Supporters of the CS (and the original bill) argue that a bill is required because the University’s present policy of limiting firearms on the developed premises of the University is unconstitutional. While they acknowledge that the University’s policy addresses a compelling state interest in safety and prudent risk management, they argue that there is a constitutional right at issue, a “strict scrutiny” standard applies and that UA must use the least restrictive alternative to meet these compelling interests.

¹ Many of the issues raised by the CS overlap with issues raised by the original bill. Because the original bill was analyzed in a March 5, 2014, memo to Senate Majority Leader John Coghill and is part of the record, this memo will focus on the issues posed by the CS.
However, this analysis is based on a clearly flawed assumption, i.e., that there is a constitutional right to bear arms on developed University premises. That is not the case. The argument concludes with an additional error: that the CS is an alternative that would actually allow the University to address the compelling state interests of safety and prudent risk management.

1. **The US Supreme Court Has Clearly Stated That Restrictions On Firearms On School Property And In Government Buildings Are “Presumptively Lawful”**

The assumption that there is a constitutional right to carry firearms on school property or in government buildings is erroneous. If there was such a right, the legislature presently would be violating that right by banning firearms in the Capitol Building, on K-12 property, and in court system facilities.2

In *Heller*,3 the US Supreme Court case confirming the individual right to bear arms under the US Constitution, the majority stated that “[N]othing in our opinion should be taken to cast doubt on . . . laws forbidding the carrying of firearms in sensitive places such as schools and government buildings . . .”4 According to the Heller majority, such regulations are “presumptively lawful.”5 University premises are indisputably schools and/or government buildings. In addition, UA campuses are home to numerous partnerships and programs with K-12 that results in thousands of K-12 students being present on campus every day. Thus an individual has no constitutional right to carry a firearm on developed University premises.

Despite hundreds of cases contesting firearms restrictions since the 2008 decision in *Heller*, there are no reported state or federal cases striking down university or college firearm regulations on constitutional grounds.6 To the contrary, in a case7 contesting firearms restrictions imposed by George Mason University,8 the Virginia

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2 Federal case law is clear that a complete ban on firearms-related conduct that is in fact protected by the Second Amendment is unconstitutional. Thus for a ban to survive constitutional scrutiny, it must involve conduct not protected by the second amendment. Per *Heller* then, “presumptively lawful” firearms bans in schools and government buildings are not protected by the Second Amendment.


4 *Id.* at 626–627.

5 *Id.* at 627. “We identify these presumptively lawful regulatory measures only as examples; our list does not purport to be exhaustive.”

6 Supporters confuse cases involving conflicts between university policy and state law (University of Utah, University of Colorado, University of Florida) with cases questioning the constitutionality of university regulations in light of the Second Amendment or state analogues. The former involve questions of legislative authority, not constitutional rights.


8 The George Mason regulation states: “Possession or carrying of any weapon by any person, except a police officer, is prohibited on university property in academic buildings, administrative office buildings,
Supreme Court held that George Mason University was both a government entity and a school and thus a “sensitive place” where under *Heller*, firearms restrictions are presumptively valid. The challenge to George Mason’s regulation was brought on both state and federal constitutional grounds. Though the appellant could have sought review of the federal constitutional issue by the US Supreme Court, no request for US Supreme Court review was filed.10

The same analysis holds true under the Alaska Constitution. In 1994 the voters of Alaska amended Alaska’s constitution to add the second sentence of Article I, Section 19, thus establishing an individual right to bear arms under Alaska’s Constitution. In *Wilson v. State*,11 the Alaska Court of Appeals looked at whether the 1994 amendment to Article I, Section 19 invalidated Alaska law prohibiting felons from possessing firearms. Since voters had approved the amendment to the constitution, the Court of Appeals determined the breadth of the right by examining the “meaning placed on the amendment” by the voters. Because the voters had been assured that existing laws would not be affected by the amendment, the Court concluded that the voters had not intended to invalidate existing Alaska laws regulating firearms. Thus the voters who passed the amendment did not intend to create a constitutional right that extends, for example, to carrying firearms in schools, to concealed carry under 21, to courts or other government buildings, all of which were restricted in 1994.

2. **Because Regents’ Policy And University Regulation Only Apply To Developed University Premises Which Are defined By The Courts As “Sensitive Places,” No Constitutional Right Is Implicated And Strict Scrutiny/Narrow Tailoring Requirements Do Not Apply**

Since *Heller*, courts typically have adopted a two-step analysis in Second Amendment cases. The first step is to determine whether a challenged policy or law is outside the scope of the Second Amendment’s protection.

To determine whether a challenged law falls outside the historical scope of the Second Amendment, we ask whether the regulation is one of the “presumptively lawful regulatory measures” identified in *Heller, 554 U.S. at 627 n. 26, ...*12 (Emphasis in original.)

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9 *Digiacinto* 704 S.E.2d at 370. “The fact that George Mason is a school and that its buildings are owned by the government indicates that George Mason is a ‘sensitive place.’”

10 The National Rifle Association participated in the case as an amicus.


If the restriction is presumptively lawful, as is the case with sensitive places including schools and government buildings, the analysis stops there and the restriction is considered presumptively constitutional.

However, even if the law is within the scope of the Second Amendment, there is no default to strict scrutiny. The appropriate level of scrutiny still must be determined. Whether “strict scrutiny” applies depends on two factors:

If a prohibition falls within the historical scope of the Second Amendment, we must then proceed to the second step of the Second Amendment inquiry to determine the appropriate level of scrutiny. Chovan, 735 F.3d at 1136. When ascertaining the appropriate level of scrutiny, “just as in the First Amendment context,” we consider: “(1) ‘how close the law comes to the core of the Second Amendment right’ and (2) ‘the severity of the law’s burden on the right.’” Chovan, 735 F.3d at 1138 (quoting Ezell, 651 F.3d at 703).

As we explained in Chovan, laws which regulate only the “manner in which persons may exercise their Second Amendment rights” are less burdensome than those which bar firearm possession completely. 735 F.3d at 1138; 13

Even if there were a constitutional right to bear arms in schools and government buildings, strict scrutiny would not apply in a case involving government regulation of firearms on government premises. The University’s policies do not restrict firearms in the broader community or constitute a ban, even on University premises. The University regulates firearms only on University-controlled premises, in those limited areas for which it is responsible. 14 The University’s policy does not intrude into the community at large or into private homes to broadly restrict firearms possession or use. University restrictions apply only in a part of the broader community, i.e., on the University’s developed premises, and even then with exceptions. Heller’s broad declaration that firearms restrictions in sensitive places are presumptively lawful makes clear that it would be error (and perhaps disingenuous) to focus on a restriction’s impact in a limited area rather than on its impact in the community at large or in private homes. Otherwise the most narrowly tailored restriction could be shown to be unduly burdensome in that narrow area.

The University’s developed premises and buildings have been defined by both the courts and the Alaska legislature as sensitive places in which firearms regulation is

13 Id.
14 Such a restriction is analogous to permissible time, place and manner restrictions in First Amendment speech cases.
presumptively lawful and outside the scope of the Second Amendment’s protections.15 As a result, no further constitutional analysis is appropriate, much less an analysis applying strict scrutiny.

B. Concealed Carry By Permit Is Not Less restrictive Or More Effective Than Current University Policy

For the reasons discussed below, the concealed carry permit system in the CS is not less restrictive than current policy in certain circumstances. The CS would potentially intrude on the rights of everyone who brings a firearm to campus while preventing the University from addressing the acknowledged compelling interests of safety and prudent risk management on UA campuses.16

1. UA’s Current Policy Is Minimally Restrictive But Effective

UA’s current policy does not ban long guns from campus, or require everyone bringing a handgun to campus to have a concealed carry permit. Absent special arrangements, weapons are not permitted in UA buildings, including student dorms, classrooms, labs and meeting places. Weapons are permitted: at approved and supervised activities, including rifle ranges, gun shows, etc.; in cars on streets and in parking lots; by faculty or staff in residences; on undeveloped and uninhabited land. Thus members of the public who are merely transiting campus or who cross undeveloped land currently face no constraints on their Second Amendment rights.

Bill supporters argue that the University’s current policy does not prevent concealed guns on campus and thus creates safety and liability problems. This argument ignores the fact that a permit requirement also could be ignored and will create other difficulties. It also is based on a flawed assumption that rules only have value if they are followed. Even criminal law does not prevent all crimes from occurring. Nor does the CS simply preserve the status quo.

15 The Virginia Supreme Court put it this way: “Further, the statutory structure establishing GMU is indicative of the General Assembly's recognition that it is a sensitive place, and it is also consistent with the traditional understanding of a university. Unlike a public street or park, a university traditionally has not been open to the general public, “but instead is an institute of higher learning that is devoted to its mission of public education.” Moreover, parents who send their children to a university have a reasonable expectation that the university will maintain a campus free of foreseeable harm.” Digiacinto 704 S.E.2d at 370. (Citations omitted.)

16 If strict scrutiny applied, a court would consider whether the compelling government interest actually could be met by a less restrictive means. The test is thus two parts: is a less restrictive alternative available; and does the alternative still meet the compelling state interest. The CS does not meet those interests and thus does not demonstrate that there is a less restrictive alternative for the University’s policy. Again, restrictions that apply only to schools and government buildings like the University’s restrictions are excepted from Second Amendment coverage.
UA’s policies, like criminal laws, allow UA to take action when it becomes aware of a violation, in this case, the presence of any weapon on developed premises.\textsuperscript{17} This is particularly important in problematic circumstances common on University campuses and described in more detail below. The CS, however, would prohibit any UA response even in circumstances when UA knows of a threatening situation and thus is likely to be held liable for failure to act.

C. The CS Prevents the University From Meeting Applicable Standards Of Care While Increasing The Potential For Foreseeable Harm and Liability

Generally the University only may be held liable for harm that occurs on campus if its actions have not met the standard of care that applies to a particular incident. However, if a crime or injury is “legally caused” by the University’s breach of a standard of care it owes to the injured party, the University will be liable. The foreseeability of harm is an important factor in determining legal causation, particularly with respect to third-party acts.

1. A University Is In A Unique Position of Responsibility For Its Students

The standard of care imposed on the University with respect to students and other invitees on campus is quite high compared to the standard of care imposed, for example, on a municipality for public streets or open spaces like parks. This is due to a variety of factors, including that UA is deemed to be in control of its developed property, invites young people onto its property, educates, feeds and houses them under its supervision and is treated by parents, federal law and state common law as responsible to a significant degree for the well-being and safety of students.

2. The CS Prevents The University From Meeting Standards In State Law

The CS increases the likelihood that UA will be held liable for weapons-related crimes, as well as accidents and injuries relating to firearms. It does so by preventing UA from regulating firearms consistent with the standards in current state law. The CS would require that UA allow concealed carry permit holders to carry handguns in sensitive areas and situations on UA campuses when state law criminalizes firearms possession in similar circumstances off-campus. These situations include:

- Possession of a firearm on the grounds of a K-12 school is a crime - but the CS would require UA to permit firearms in areas where K-12 students are regularly on UA’s 16

\textsuperscript{17}Supporters discount the potential for identifying concealed carry. However, the University is a small community where information about firearm possession may be shared by roommates, classmates or by the owner, sometimes willingly to brag or intimidate, and sometimes unwittingly.
The Honorable Pete Kelly, Co-Chair, Senate Finance  
The Honorable Kevin Meyer, Co-Chair, Senate Finance  
Re: Legal Issues Posed by the CS for SB 176  
March 31, 2014  
Page 7 of 9

campuses in large numbers, sometimes in extended residential, enrichment and college prep programs, often daily after school.

- Concealed carry under 21 is a crime - but the CS would require permitting firearms in dorms where 60% of UA residential students are under 21, and where, unlike private housing, UA is the “adult” – UA retains authority and responsibility for dorms, and hires Resident Assistants to maintain safety, order and provide counseling;

- Possessing a loaded firearm in a place where intoxicating liquor is served is a crime - but the CS would require UA to permit firearms in dormitories where liquor is present;

- Possession of a firearm in a child care facility or adjacent parking lot is a crime - but the CS would require permitting firearms in nearby locations since both UAA and UAF have child care facilities integrated on campus;

- Possession of a firearm in a court facility is a crime, but the CS would require UA to permit firearms in potentially contentious adjudications of staff and student disciplinary and academic issues;

- Possession of a firearm on the grounds of a domestic violence shelter is a crime - but the CS would require UA to permit firearms in health and counseling centers as well as sexual harassment offices.

Supporters of the CS state that UA will be able to take action with respect to any crimes that are committed under these statutes. That is true, but misleading. UA will be placed in a situation where it cannot act before harm occurs where the harm is foreseeable, or apply the standard of care suggested by these statutes in analogous but non-criminal situations. However, UA will still be held to those higher standards.

The CS also would not allow UA to meet the standard of care related to the permit requirement. Other than in the dorms, the CS provides no authority for UA to determine whether someone who carries concealed actually has a permit. Thus while UA would be expected to ensure that only permit holders carry firearms on campus, it will be unable to do so.

3. **The CS Does Not Meet Standards In The Report To The NRA By The National School Shield Task Force**

Supporters of the CS argue that UA could be liable for failing to permit weapons on campus in the event of a mass shooting. That argument is not supported by any legal standard of which we are aware, and is inconsistent in at least two respects with recommendations (standards) contained in the Report to the NRA by the National School Shield Task Force.
That report recommends that schools react promptly to behavior that indicates a risk. Under present policy, UA can respond promptly to reports of any weapons possession on developed property and take appropriate action. Under the CS, that would no longer be the case. The CS would prevent restrictions on permit holders who have committed or who later commit certain crimes. The permit law allows one class A misdemeanor in the past 6 years. So UA could not restrict concealed carry if a permit holder: is convicted once, for example, of violating a protective order, stalking in the second degree, assault in the 4th degree, or is convicted of an Attempt or Solicitation of a Class C Felony.

The CS also would prohibit UA from restricting weapons of permit holders whose behavior indicates risk apart from convictions. For example, someone who is known to possess firearms on campus and who is involuntarily hospitalized for psychological evaluation (which often ends without a formal finding of mental illness or formal commitment for treatment), or who exhibits warning signs including depression, suicidal ideation or gestures, or overt hostility or aggression (everyday occurrences on residential college campuses) could not be deprived of his/her weapons. That’s because no state law prohibits possession of weapons by those with psychological disturbances; federal law prohibits possession by those “adjudicated as a mental defective” or “committed to a mental institution.” These formal mental health adjudications are relatively rare. Foreseeability of harm creates an expectation and standard that UA will respond when troubling events occur.

The same NRA-sponsored report recommends 60-80 hours of training for selected school employees who are authorized to be armed. By contrast, a concealed carry permit requires only 12 hours of self-defense, legal and weapons handling training. Permitees self-select.

Thus under the CS or the original bill, UA’s policy could not meet the NRA’s recommended standard for possession of firearms on school grounds or for responding to indicators of threats.

**D. Summary And Conclusion**

UA’s policies are presumptively constitutional because they apply to “sensitive places” identified in federal and state law, i.e., schools and government buildings, and involve circumstances analogous to longstanding prohibitions. Even if that were not the case,
strict scrutiny would not be applicable to restrictions that are time, place and manner oriented and that do not apply to broader communities or private homes.

The University’s current policy is constitutional, minimally restrictive, and, in contrast to the proposed legislation, effective. Current policy allows the University to take action precisely when harm is foreseeable. By contrast, the proposed legislation would prevent the University from taking action with respect to weapons in problematic circumstances that are commonplace on university campuses. As a result, the rationale for this legislation is fundamentally flawed.

Taken together these limitations will result in inability to remove offenders with weapons from campus, loss of control over conduct on UA premises, and dramatically limit UA’s ability to intervene early in conflicts or unsafe behavior. This creates greater potential for situations in which UA is unable to act to prevent foreseeable harm to third parties and greater potential for liability.

Because UA owes a duty of care to students and invitees on campus, and because the CS as well as the original bill would prohibit UA from meeting the standard of care suggested by existing state law and other sources of applicable standards, in circumstances where harm is foreseeable, this legislation will lead to an increased potential for liability in the event of weapons-related crimes or accidental injuries on campus.

Violence on campus is extremely rare. However, legislation that forecloses the possibility of proactive response to behavior that places the University on notice of foreseeable harm is not sound public policy and should be avoided, particularly where it solves no other problem.
The University Advocacy Committee met on March 16.

The committee briefly discussed the Staff Volunteer Day proposal and how we could move forward with it given that there is no provision for administrative leave. It was suggested that we choose a specific day (May 7 was mentioned), partner with community organizations in need of donated time, and allow staff to choose how best to allocate their efforts. Some of the organizations mentioned included the Fairbanks Community Food Bank, Stone Soup Cafe, Chena Lakes, Cooperative Extension, and Pioneer Park. Additional suggestions are welcome. I offered to inquire with Frances Isgrigg, Director of EHSRM, regarding any associated liability. We can also work with Nate Bauer for information on the proposed plan up to this point.

The survey results for the proposed offering of reduced or no cost health/wellness and exercise classes show that staff are largely in favor. The draft results are attached for your reference. These results were shared with Kaydee Miller with DRAW to support her proposal. They will likely need to determine how the instructor(s) will be paid in order to move forward. Jami will follow up with Kaydee to see if there is additional support that we can offer.

The staff mentoring initiative consists of two potential approaches: the development of professional groups (as suggested by Margo Griffith with UAF HR) to support staff, as well as one-on-one mentors to address such issues as morale, workplace culture, etc. Margo had suggested that we meet with the TED team, as many of the functions of the professional groups would align with the issues that TED has been working to address. I had reached out to TED, and will update you when we are able to meet with them.
Sustainability in Dining Committee Report – April 2016
Mathew Mund, Staff Council Representative to Committee

Three students working with the UAF Office of Sustainability have established a process for the Food Recovery Network. When Chartwell's has leftover edible food, they will freeze and store the food in boxes provided by the Office of Sustainability. The student volunteers will pick up the food on a month basis and deliver it to either the Door, Center for Non-violence Living or the Boys and Girls Club. No food has been frozen yet due to Chartwell's practice of small batch cooking.
University of Alaska Fairbanks

Staff Council

Staff Survey - SB174 (Guns on Campus)

RESULTS

On March 7-8, 2016, UAF Staff Council surveyed unrepresented staff members regarding their opinions of SB174 ‘An act relating to the regulation of firearms and knives by the University of Alaska,’ which was under discussion by the Alaska State Senate.

This one question survey was designed to provide Staff Council Representatives with information that could be used to reach an informed decision and official position on this controversial subject. The short timeline was needed to allow UAF Staff Council to respond quickly with the voice of staff, in light of the tight legislative timeline.

Those taking the one question survey were provided with links to the following reference documents:

- The official bill documents (available on the Alaska Legislature’s SB174 website)
  www.akleg.gov/basis/Bill/Detail/29?Root=SB%20174
- UA’s Position on SB174, as of March 7-8, 2016
  www.alaska.edu/state/advoacay
- President Johnsen’s memo containing requested amendments to SB174

Survey Results:
(391 Total Responses)

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<tr>
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RESOLUTION REGARDING SENATE BILL 174:

WHEREAS, Senate Bill 174 (“SB 174”), without amendments, would prevent the university from responding to common, known, high risk and high conflict situations involving concealed firearms and knives on university property; and

WHEREAS, the Board of Regents and University of Alaska administration, after careful consideration, have determined that amendments to SB 174 are required to permit critical and timely responses. These include allowing regulation of weapons in the following areas:

- when a student or employee demonstrates a risk of harm to self or others;
- in student dormitories and other shared living quarters, where, unlike private residences, some 60% of occupants are under 21, communal living rules are enforced by student Resident Advisors and UA serves as the “adult,” residents live in close quarters and share facilities such as bathrooms and lounges, students and transient visitors have greater access to rooms, and alcohol is frequently present;
- in university facilities housing health and counseling services or other services related to sexual harassment or violence;
- during adjudication of staff or student disputes or disciplinary issues;
- within parts of facilities used for dedicated programs for preschool, elementary, junior high and secondary students, when such programs are occurring;
- with concealed carry permits, since a student or employee carrying concealed in UA common areas, critical infrastructure, classrooms and labs should have some training and knowledge of gun safety and applicable law and be subject to a criminal background check; and

WHEREAS, the first five of these situations are analogous but not identical to situations in which concealed carry is criminalized under current law; and

WHEREAS, unlike state or municipal laws, university regulations do not extend into the community at large, do not impose criminal penalties, and are required to allow the university to manage areas, situations and people for which the university is responsible; and
WHEREAS, the US Supreme Court has clearly stated that restrictions on firearms in sensitive places such as schools and in government buildings are “presumptively lawful;” and

WHEREAS, university policy and regulations have value even if, like criminal law, they are sometimes circumvented, because policy and regulation allow the university to take preventive action when it becomes aware of a violation that poses a threat of harm; and

WHEREAS, the bill sponsor and the Senate Education Committee have incorporated some but not all of the amendments requested by the university into a committee substitute bill, and those amendments may still be altered or removed in the legislative process;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF ALASKA:

For the reasons stated herein and many others detailed in position papers, the Board of Regents opposes SB 174 in its current form and respectfully requests that the bill include all of the above amendments; and

BE IT FURTHER RESOLVED that the Board of Regents respectfully requests that Legislators and the Governor oppose this bill in its current form so that it does not become law, and respectfully urges Alaskans to oppose SB 174 without the requested amendments.

Signed on behalf of the Board of Regents by:

Jyotsna Heckman, Chair
Q. How will SB174, if passed and signed by the Governor, change what happens on UA campuses?
A. If the Senate Education committee substitute (version N) becomes law, the Board of Regents' authority to regulate concealed carry of handguns and knives beyond existing law will be limited to these areas or situations:
  • when the behavior of a student or an employee demonstrates that the student or employee poses a risk of harm to self or others
  • in student dormitories or other shared living quarters;
  • in parts of facilities where health services, counseling services, or other services related to sexual harassment or violence are provided;
  • in parts of facilities where adjudication of staff or student disciplinary issues take place;
  • in restricted access areas beyond secure points.

The proposed law only applies to the concealed carry of handguns and knives. The University will continue to regulate the concealed carry of other weapons and the open carry of any weapon.

Q. How is the university administration trying to change this bill to keep campuses safe?
A. The university is seeking support for two additional amendments, as well as for the amendments incorporated so far. Early in the legislative process, it became apparent that the bill had broad support in the legislature. To make sure the university retained the ability to respond to specific critical situations, the university asked for 6 amendments to the current bill. Four have been incorporated in the current version of the bill:
  1. (incorporated) When student or employee behavior indicates a risk of harm to themselves or others;
  2. (incorporated) In student dormitories or other shared student living quarters;
  3. (incorporated) In Health and Counseling, Discrimination, Harassment and Title IX offices;
  4. (incorporated) During adjudication of staff or student disputes or disciplinary issues;

The university is seeking two additional amendments:
  5. In dedicated programs for K-12 students consistent with state law that generally criminalizes adult possession of weapons on K-12 grounds, buildings and events;
  6. Requiring a concealed carry permit to carry concealed weapons on campus

Q. Where can I find a copy of the bill?
A. http://www.akleg.gov/basis/Bill/Detail/29?Root=SB%20174

Q. How can voice my concern about this legislation?
A. This UA State Relations site has information about the process and advocacy needed for SB174. http://www.alaska.edu/state/advocacy. Remember – the amendments the university sought can be removed, so please support the existing amendments as well as the two additional amendments.

Q. What will happen if this legislation passes? Does the law become effective immediately?
A. The law will become effective ninety days after it is signed by the Governor. The Board of Regents will amend UA policy to conform to the law. UA leadership remains committed to maintaining a safe work and learning environment.
Q. Who makes decisions about the university's campus carry policy? Under the circumstances, should those decisions be made now?
A. The University of Alaska Board of Regents is responsible for setting and amending the university's policies. At a special meeting March 25 the Regents will receive an update on SB174 and discuss possible related changes to UA's weapons policy. The possible changes would be consistent with the changes sought by the university to SB 174.

Q: If SB 174 passes, what does this legislation mean for the campuses? Who would be able to carry a weapon on campus property?
A: Alaska state law as proposed in SB 174, would allow anyone age 21 and above who can legally possess a handgun or knife to carry it concealed on and in University of Alaska properties and facilities, with some restrictions. The bill would allow the University to regulate open carry, and concealed carry in certain areas. The bill has not yet become law, so current policy and regulation remain in effect.

Q. Would metal detectors be installed?
A. If the bill passes, the University will likely need to review its facilities to determine whether existing secured areas are adequate and whether additional secured areas are needed. Part of that review will look at methods to secure areas, including metal detectors and security guards.

Q. How much would this change cost the university?
A. Initially, the university estimates the cost would be about $1.3 million to comply with the new law. The University expects that ongoing costs will be approximately $800,000 per year.

Q. What is the current UA policy as directed by the Board of Regents?
A. The policy can be found at: http://www.alaska.edu/bor/policy/02-09.pdf Generally, firearms are permitted: at approved and supervised activities, including rifle ranges, gun shows, etc.; in cars located on streets or in parking lots; by faculty or staff in residences and by dormitory students in approved storage, and while transporting firearms directly to residences or dormitory storage locations; and on undeveloped and uninhabited university land.
Staff Health Care Committee, March 4, 2016

Meeting notes
From Kathleen McCoy

Attending by teleconference: Melodee Monson UAA (alt for Danielle Dixon UAA), Maureen Hunt UAA Mat-Su (alt), Lesli Walls UAF, Linda Hall SW, Monique Musick SW, Wendy Miles UAS, Gwenna Richardson UAS, Kayti Coonjohn UAS (alt), Kathleen McCoy UAA.

Not attending: Marie Williams UAA, Danielle Dixon UAA, David Bantz UAF (alt), Susan Mitchell UAF (alt), Arthur Hussey SW (alt), Stacy Howdeshell UAF.

Guest:
Timothy Armbruster, UA Benefits Lead Accountant

JHCC set premium rates for FY 17, and UA approved. (see attached). Timothy explained that a steep drop in plan membership could still affect these rates, though not drastically. Currently projected is a 7% decline or about 300 people. Also, JHCC chose to apply $1M of a projected $1.5M over recovery from FY16 – still underway until Jun 30 -- toward keeping health plan premiums at the lowest, Option A. for FY17. Unused wellness rebates do account for at least part of the projected over recovery.

Deductible for Consumer Driven Health Plan CDHP increased to $1500 for the individual and $3000 for the family, but out of pocket was capped at $6,850, down from $11,000, to comply with Affordable Care Act requirements.

Legislature/UA budget: Monique mentioned that the Senate finance subcommittee on UA will recommend a $325M budget for UA, compared to House recommendation of $300M. Watch for the Capitol Report by Chris Christiansen to stay up on UA and legislative budget discussions.

Fairbanks oncology: Tim said negotiations are underway between Premera, Mike Powers of UAF and the out-of-network oncologists in Fairbanks. Anchorage has 17 in-network oncologists. Existing patients will continue at the same level of coverage through June 30. New patients, and existing patients beginning July 1 will pay at in-network levels (80 percent) of 125% Medicare.

Service experience: Experience reports with auxiliary services like Patient Care, Nurse Line and Best Doctors are always welcome, Timothy said. We pay for their services and have expectations of their delivery; so please report experience to Erika and Timothy so they can address any shortcomings with the vendor.

Health Travel Benefits: Timothy said the list of 17 approved travel reasons is gone from the website as of Jan. 1. He said plan members can travel for any procedures;
he advises calling Premera to check in. UA health travel benefit will pay at the IRS allowable rates. Usually travel expenses are paid up front and reimbursed, though Timothy said check with Premera if that is a problem. A companion traveler, if deemed medically necessary, will also be covered at the IRS allowable rates. Includes $30/day toward car rental. Timothy said the Blue Cross network is huge, and health travelers can consider destinations beyond Seattle where they have family. Timothy said Premera is working up a new brochure on health travel benefit.

**Doctors and Premera network status:** Timothy said ENT doctors are out of network in Fairbanks and in Anchorage. Orthopedic surgeons are mostly out of network in Anchorage, though a recent business merger between two big practices in Anchorage suggests some movement for some smaller practices to come back in network as a defense against what some might consider a monopoly.

**125% Medicare out of network issue:** Timothy said Premera and UA benefits are drawing up some illustrative scenarios to better explain how out-of-network payments are handled. He said UA benefits and Premera have heard the complaints from plan members who did not understand the impact. Timothy confirmed that Premera is delivering an analysis of impact on health plan members based on the July 1, 2016 start of out of network payments at the 125% Medicare level. This will be an issue at the March JHCC, date not set yet.

**Posters by SHCC:** SHCC has long had a desire to increase communication to health plan members. Rather than a comprehensive approach to everything about the health plan (as UA Benefits is charged with) SHCC is more interested in targeting key messages to warn against costly mistakes, and to advise use of auxiliary benefits like Best Doctors, Nurse Line and Patient Care to help plan members make cost-effective health decisions.

At today’s meeting we agreed on two ideas for graphic designers to work up. There are more ideas on our Road Map spread sheet, but at least we can start with these. I'll share these with Kayti Coonjohn and Danielle Dixon, volunteer graphic artists, so they can draft up posters for us. UA Benefits will review for accuracy.

1. **Going out-of-network for your health care will cost you more:**
   - ‘allowable rate’ set at 125% Medicare
   - unlimited balance billing
   - won’t count toward out-of-pocket maximum
2. What would you rather pay: 20% of $20,000, or 20% of $10,000?

When it comes to health care costs, location matters. Alaska has the country’s highest costs. If you need a procedure, investigate Premera’s health travel benefit, paid at IRS-approved levels and covering medically-necessary travel partners. **You don’t have to pay Alaska prices.**

**Next meeting:** We will Doodle poll for a meeting time after the next JHCC meeting, which is planned for late March, exact date not yet set.

ALSO, SHCC member requested 90-minute meeting slots. We can always end early, but we should allow enough time for full discussion if we need it. Kathleen will advise Morgan.
**Data Overview:**

The requirements for the FY16 program year are to complete a personal health assessment (PHA), biometrics and earn 5 additional points. Healthyroads provides a monthly report that details how many points members have earned as well as indicates if they have also completed the PHA and biometrics.

I’ve provided the total population numbers for eligibility and then broke those-out by employee class. There are many ways you can pull eligibility numbers, but you can see that I opted to pulled numbers for members who have been eligible for the entire period of 5/1/15—3/5/16. So, these may be slightly off from what they actually are and will not include any new hires that have come on the plan mid-year.

The point columns below are JUST regarding points earned. These members may have also completed the PHA and/or biometrics, but I did not provide that data. The column marked as ‘Met all reqs’ is the only column that will pull-in the PHA/Biometric completion. That means those are the members who have met all requirements already to earn the full rebate. Since we are over the half-way point, I’ve provided two columns that will indicate percentage of people with at least 3 points, and then the percentage of who have completed everything.

**Employee Class Point Breakdown:**

- From most recent Incentive report: **03/05/2016**
- Employees (eligible for entire period: 5/1/15-3/5/16): 3,283
- Total Employees with some sort of points: **2,939 (90%)**
- Total Employees with at least 3 points: **1,201 (37%)**

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Spouse/FIP Class Point Breakdown:

- From most recent Incentive report: **03/05/2016**
- Spouses/FIPs(eligible for entire period: 5/1/15-3/5/16): 1,698
- Total spouses/FIPs with some sort of points: **1,311 (77%)**
- Total Spouses/FIPs with at least 3 points: **370 (22%)**

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It’s more important than ever to
Choose an in-network provider

Your health plan has changed the way it pays for services you get from out-of-network providers, which means you may pay more than before when you use these providers. This change is important to keep healthcare affordable and sustainable.

The amount of an out-of-network provider’s total charges that is considered “allowable” may now be smaller, so the plan may pay less of the total bill. And because out-of-network providers often bill you for the difference between the allowable charge and their total charge (called balance billing), you may have to pay substantially more for services from out-of-network providers.

What has changed:

> Because the out-of-network allowed amount may be lower, the amount the plan pays for the same service from the same provider may be less.

> If your out-of-network provider charges you for the difference between the allowed amount and the amount the provider charges, the amount you pay will be more because the difference is greater.

What hasn’t changed:

> Allowed amounts for in-network providers: If you get the service from an in-network provider, you will pay the same now as you did before.

> Your benefit plan: The percentage the plan pays has not changed. If it was 80 percent of the allowed amount for in-network and 60 percent for out-of-network providers before, it’s the same now.
Here’s an example of how this change might affect you.²

<table>
<thead>
<tr>
<th></th>
<th>$1,200</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Bill</td>
<td></td>
</tr>
<tr>
<td>Allowed Amount Before Change¹</td>
<td>$1,000</td>
</tr>
<tr>
<td>Allowed Amount After Change²</td>
<td>$500</td>
</tr>
<tr>
<td>Out-of-network Plan %</td>
<td>60%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Plan Pays</th>
<th>You Pay</th>
<th>Balance Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>After Change</td>
<td>$300</td>
<td>$200</td>
<td>$700</td>
</tr>
<tr>
<td>Before Change</td>
<td>$600</td>
<td>$400</td>
<td>$200</td>
</tr>
</tbody>
</table>

To choose an in-network provider

Getting services from an in-network provider will always be the better deal for you. Premera has the largest network of providers in Alaska. To find an in-network provider, log in at premera.com and use the Find a Doctor tool. Or call Customer Service at the number on your member ID card.

You can also get virtual care anytime, anywhere by phone or online video from Teladoc® for the same cost share you pay for an in-network office visit. Register at teladoc.com/premeraAK or call 855-332-4059. Then when you need care, you can contact a U.S. board-certified physician who can diagnose, recommend treatment, and prescribe medication when appropriate.³

¹ The allowable charges for out-of-network providers are now based on 125 percent of what the federal Medicare program pays providers for these services. This updated policy is for specific groups under self-funded plans.
² This is an example only. Your costs and percentages will vary depending on your plan’s coverage and the service you need. The figures in this example assume you have met your deductible and have not reached your out-of-pocket maximum.
³ Teladoc operates subject to state regulation and may not be available in certain states. Teladoc phone consultations are available 24 hours a day, 7 days a week; video consultations are available 7 a.m. to 9 p.m., 7 days a week. Teladoc® is an independent company that provides virtual medical care services on behalf of Premera Blue Cross Blue Shield of Alaska. Teladoc does not replace the primary care physician. Teladoc does not guarantee that a prescription will be written. Teladoc does not prescribe DEA controlled substances, non-therapeutic drugs and certain other drugs which may be harmful because of their potential for abuse. Teladoc physicians reserve the right to deny care for potential misuse of services.
Virtual care
Get access to medical care anytime anywhere

When your plan starts, you can use Teladoc® to talk to a doctor anytime anywhere in the United States.* You usually pay $40 or less for a consultation (health plan deductible and office visit copays and coinsurance apply).

Teladoc does not replace your family doctor or primary care physician. It’s an affordable alternative to costly urgent care and ER visits when you need care now. Teladoc doctors can treat many medical conditions, including cold and flu symptoms, allergies, bronchitis, urinary tract infections, and more.

Getting started with Teladoc
Teladoc’s U.S. board-certified doctors are available to resolve many of your medical issues through phone or video consults.* When your plan starts, set up your account so when you need urgent care, a Teladoc doctor is just a call or click away.

Set up your account
It’s quick and easy online. Visit teladoc.com/premeraAK, click “Set up account” and provide the required information. You can also call Teladoc at 855.332.4059 for assistance.

Request a consult
Once your account is set up, request a consult anytime you need care.

Provide medical history
Your medical history provides Teladoc doctors with the information they need to make an accurate diagnosis.

**ONLINE:** Log into teladoc.com/premeraAK and click “My Medical History”.

**MOBILE APP:** Log into your account and complete the “My Health Record” section. Visit teladoc.com/mobile to download the app.

**PHONE:** Call Teladoc at 855.332.4059 for help with completing your medical history over the phone.

* Teladoc operates subject to state regulation and may not be available in certain states. Teladoc phone consultations are available 24 hours a day, 7 days a week; video consultations are available 7 a.m. to 9 p.m., 7 days a week.

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