To: Members of the Council on Postsecondary Education

From: Brenda Dann-Messier, Ed.D., Commissioner of Postsecondary Education

Date: October 16, 2017

Re: Approval of proposed updates to the Council Tuition Waiver Policy and Procedures for employees and their dependents

Background

In July 2017, the Commissioner convened a work group consisting of representatives from the three institutions and OPC to assess the current tuition waiver policy and recommend enhancements to the checks-and-balances currently in place. The group was also asked to recommend efficiencies that would ensure consistent application of the policy across the system.

The current tuition waiver policy was adopted in 2013 by the then Board of Education. The 2013 policy, which was later negotiated into all of the non-classified collective bargaining agreements, included additional eligibility requirements and required all employees and dependents to consent to public disclosure of the existence and amount of the tuition waiver in accordance with RIGL §16-97-7.

Proposed Revisions

The work group, with the assistance of tax counsel, recommended the following changes to the current policy and approval procedures:

1. A uniform definition of dependent child, along with an employee dependency affidavit that will ensure consistency of application across the system. Currently the schools use different methods to determine dependency. Tax counsel has recommended the affidavit as a best practice to ensure consistency and compliance across the system.
2. A requirement that the Council approve any exceptions to the policy at a public meeting. This will ensure transparency and consistency across the system.
3. An express prohibition against an employee who is on leave from their position being eligible to obtain this benefit if the position they now occupy is not eligible for a tuition waiver.
4. A provision that allows the Commissioner to approve exceptions
between scheduled meetings, and report them at the meeting following the approval.

In addition, the work group recommended that all three public institutions use an online waiver approval process to ensure consistency and streamline the process for approval. The Community College of Rhode Island and the University of Rhode Island have already implemented an online waiver approval, and they have offered their assistance to Rhode Island College in developing and implementing a similar process. The work group further recommended that the institutions and the Office eliminate the requirement for notarizing the Tuition Waiver Information FERPA Release form, which is intended to streamline the process.

The enclosed red-lined document shows how the section of the Personnel Manual that addresses the tuition waiver (§4.16) can be revised to incorporate these recommendations. Also enclosed is the Dependency Affidavit, which was developed in consultation with the tax counsel. These proposed revisions are offered to the Council for approval at its meeting on October 25, 2017.
Tuition Waiver (Council on Postsecondary Education Personnel Policy Manual)

Tuition waiver is applicable only to full-time non-classified employees ("eligible employees") of the Board of Education Council on Postsecondary Education, unless specifically designated otherwise in a collective bargaining agreement. Waiver of fees shall be limited strictly to tuition. The individual must pay for all other fees, books, supplies, travel, and other expenses.

Tuition waiver only applies to institutions under the jurisdiction of the Board of Education Council on Postsecondary Education. This waiver applies to the employee's spouse or domestic partner, as defined in RIGL § 36-12-1, and dependent children, as defined herein, who are pursuing courses in a regular study program for credit at the first baccalaureate level only. This limitation of eligibility (pursuing courses in a regular study program for credit at the first baccalaureate level only) shall not apply to the employee.

For purposes of this policy, "dependent children" is intended to refer to a child, as defined in Internal Revenue Code §§ 117(d), 132(h), and 152(f)(1), of the eligible employee:
- for whom the eligible employee is entitled to claim and does claim a dependency deduction on his/her federal personal income tax return under Internal Revenue Code Section 152; or
- who is described in Section 152(c) (e.g. whose parents are divorced, legally separated, or live apart; who receives at least ½ of his or her support from one or both parents; and who lives at least half time with one or both parents), even if the eligible employee is not the custodial parent and/or does not claim the child on his or her tax return;

Employees who seek a tuition waiver for such dependent children must execute a Dependency Affidavit in the form approved by the Council.

In the event of an employee's death, the tuition waiver benefit shall be provided for those spouses or domestic partners, as defined in RIGL §36-12-1, and dependent children, as defined below, who have been accepted or are enrolled at the time of such death and who maintain continuous enrollment.

However, pursuant to RIGL §16-97-7, no eligible employee of the Board of Education Council on Postsecondary Education, his or her spouse, domestic partner, or dependent children, shall receive a tuition waiver as a result of employment status with the Board of Education Council on Postsecondary Education, without first consenting to the public disclosure of the existence and amount of the waiver. This applies to any waiver at the Community College of Rhode Island, Rhode Island College, and/or the University of Rhode Island.

Only full-time employees are eligible. (moved above)

If an employee is an otherwise "eligible employee" but is on leave without pay as of the first day of class, neither the employee nor his or her spouse or domestic partner, as defined in R1GL §36-12-1, or dependent children are eligible for tuition waiver unless specifically approved by the institution recommended by the institution president or the Commissioner of Postsecondary Education and approved by the Council on Postsecondary Education at a public meeting. In an emergency situation, where such a determination is needed between scheduled Council meetings, the Commissioner may make a determination and notify the Council at their next scheduled meeting. However, no such approval will be granted for an employee who is employed by any
entity that is outside of the jurisdiction of the Council of Postsecondary Education as of the first day of class, regardless of whether such employee is on leave without pay at that time.

Tuition waivers are not applicable to non-credit courses.

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