

CONFIR- MATIONS 2012

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2012</SUBJECT><COMM>SEDC27</COMM></TARGET>

Alaska State Legislature

Senate Education Committee

Senator Meyer, Co-Chair

State Capitol, Room 103
Juneau, Alaska 99801-1182
(907) 465-4945 Phone
(907) 465-3476 Fax
Senator_Kevin_Meyer@legis.state.ak.us



Senator Thomas, Co-Chair

State Capitol, Room 514
Juneau, Alaska 99801-1182
Phone (907) 465-2327
Fax (907) 465-5241
Senator_Joe_Thomas@legis.state.ak.us

AGENDA

Friday, March 16, 2012

8:00 a.m. – 9:00 a.m.

Beltz Committee Room, #105 Thomas B. Stewart Building

- + Confirmation Hearing – Professional Teaching Practices Commission
 - Jill Exe – Kaktovik
 - Lou Pondolfino – Anchorage

- + Confirmation Hearing – UA Board of Regents
 - Mari Freitag

* First Hearing
= Previously Heard
+ Teleconferenced



Official Business

Alaska State Legislature

Senate

Office of the Secretary

State Capitol, Room 211
Juneau, Alaska 99801-1182
Phone: (907) 465-3701
Fax: (907) 465-2832
Email: senate_secretary@legis.state.ak.us

Memorandum

TO: Senators Meyer and Thomas, Co-chairs
Education Committee

FROM: Kirsten Waid
Secretary of the Senate

DATE: February 2, 2012

SUBJECT: Confirmation of Governor's Appointment(s)

Pursuant to AS 39.05.080, the President has referred the following name(s) for legislative confirmation to your committee for a hearing, recommendation and report:

Professional Teaching Practices Commission

Patricia Caldwell – Fairbanks

Appointed: 3/1/2012 Term Expires: 3/1/2015

Jill Exe – Kaktovik

Appointed: 3/1/2009
Reappointed: 3/1/2012 Term Expires: 3/1/2015

Louis Pondolfino – Anchorage

Appointed: 3/1/2009
Reappointed: 3/1/2012 Term Expires: 3/1/2015

University of Alaska Board of Regents

Mari Freitag – Fairbanks

Appointed: 6/1/2011 Term Expires: 5/30/2013

Resume(s) are available electronically by using the following link and your LAA user login: http://intranet.doec.confirmation_resumes

Note that some resumes contain personal contact information for references. Please respect the personal nature of all contact information.

gl #1

JILL M. EXE

♦ Kaktovik, Alaska 99747 ♦

EDUCATION & CERTIFICATION

Bachelor of Science (1986), Major Elementary Education
Montana State University – Bozeman, Montana

Option in Reading K-12 (1986)
Montana State University – Bozeman, Montana

ESL Endorsement (1990)
University of St. Thomas – Houston, Texas

Alaska Teaching Certificate – K8 Elementary Education
Highly Qualified – Elementary Education
Highly Qualified – Middle School Language Arts

PROFESSIONAL TEACHING EXPERIENCE

Harold Kaveolook School – Kaktovik, Alaska Teacher (Grades 3, 4, and 5)	August 2007 – May 2008
North Slope Borough School District – Barrow, Alaska Reading Coach (District-wide)	August 2007 – May 2008
Hopson Middle School – Barrow, Alaska Language Arts Teacher (8 th Grade) Language Arts Teacher (7 th Grade)	August 2004 – May 2007 August 2003 – May 2004
Ipalook Elementary School – Barrow, Alaska Teacher (2 nd Grade) Teacher (Kindergarten)	August 1998 – May 2003 August 1993 – May 1998
Emerson Elementary School – Houston, Texas Teacher (1 st Grade)	September 1989 – June 1992
Pleasants Elementary School – Houston, Texas Teacher (1 st and 2 nd Grade)	September 1986 – June 1989

PROFESSIONAL DEVELOPMENT

SLOP Training – Denver, Colorado 2007
NEA-Alaska Fall Event – Anchorage, Alaska 2005
Effective Instructional Strategies – Barrow, Alaska 2003
NEA-Alaska April Leadership – Anchorage, Alaska 2003 & 2008
NEA-Alaska Delegate Assembly – Anchorage, Alaska 2003, 2004, 2006, & 2007
Linking Curriculum to Standards Saxon Math and More – Barrow, Alaska 2002
Reading Recovery Training – Ohio State University, Columbus, Ohio 1998
ECE Kindergarten Curriculum Development – Barrow, Alaska 1996
Imagination's Arctic Ecology Training – Anchorage, Alaska 1994

PROFESSIONAL ORGANIZATIONS

North Slope Borough Education Association, Current President
Top of the World Literacy Council
International Reading Association
Alaska Science, Math, and Writing Consortium Fellow

NSBSD COMMITTEES

NSBSD District Social Studies Adoption, 2009
Facilitator of the NSBEA NSBSD Interest Based Bargaining, 2008
Harold Kaycolook School Improvement Plan, 2008
NSBSD Literacy, 2007-2008
NSBSD Improvement Plan, 2006-2009
Pay for Performance Plan, 2006-2007
Hopson Middle School Improvement Plan, 2003-2007
Apple Computer Tech Camp at HMS, 2007
HMS Reading Adoption, 2007
Reading Writing Adoption Meetings at BHS, 2007
Apple 1:1, 2006
District Curriculum, 1999-2003, 2007-2008
Grievance, 1999-2009

COMMUNITY INVOLVEMENT

Kaktovik Community Events, Participating Teacher	2008 - 2009
Barrow Arctic Science Consortium, Saturday Schoolyard Coordinator	2003 - 2006
Nuvuk Archaeological Excavation, Student Supervisor	Summer 2006
"Culture Camp 2005," Participating Teacher	August 13, 2005
"Scientists and Alaska Science Teachers Team Up: Barrow Fieldwork for Better Classroom Teaching," Presenter	September 18, 2004
Alaska Science Consortium, Arctic Ecology Advanced Institute Host	Summer 2004
Read Across the Slope, Coordinator/Committee Chair	March of Year 1997 – 2003
Pingusugruk Point Franklin Archaeological Excavation, Volunteer Laborer	June 1998

WEB LINKS

Below are some links that refer to my support and involvement in my North Slope community

Louis Pondolfino

Objective

Appointment to second term on **Professional Teaching Practices Commission**

Experience

July 2011 - present: Principal, King Career Center, Anchorage

July 2004 - June 2011: Principal, Robert Service High School, Anchorage

January 2001 - June 2004: Assistant Principal, East High School, Anchorage

July 1997 - December 2001: Teacher, Goldenview Middle School, Anchorage

July 1994 - June 1997: Teacher, Polarish K-12 School, Anchorage

August 1991 - June 1994: Teacher, Gruening Middle School, Eagle River

Laborer/Carpenter 1982 - 1989: Norton Sound, Prince William Sound

Education

Administrative, Type B Endorsement: U.A.A., 2000

Masters of Arts in Teaching, UAA, 1991

Bachelors of Arts in English Literary Studies, Davis and Elkins College, W.VA.

Honors, Appointments, Boards, Elected Positions

Professional Teaching Practices Commission: Term Expires, 3/12

Anchorage Principals Association: President, Current

Anchorage Principals Association: Vice President, 2005 - 07

Alaska State High School Principal of the Year: 2010

Region IV Principal of the Year, 2007 and 2010

Memberships

Association for Career and Technical Education

Alaska Association for Secondary School Principals

National Association for Secondary School Principals

References

Carol Comeau, Superintendent of Schools, Anchorage School District

Mike Henry, Executive Director of High School Education, Anchorage

Patricia Truman, Executive Director, Professional Teaching Practices Commission

Freitag, Mari
University of Alaska
Board of Regents

March 4th, 2011

Office of the Governor
P.O. Box 110001
Juneau, AK 99811-0001

Honorable Governor Parnell:

I would like to thank you for the opportunity to be considered for the position of University of Alaska Student Regent. Over the past three years I have been increasingly involved with student government and campus activities at UAF, culminating in my election as Vice President of the Associated Students of UAF in the spring of 2011. I have learned effective time management skills through my positions so far, and I feel that I would be an exceptional addition to the Board of Regents.

I know that this position will give me knowledge and experience unique to the State of Alaska and the University system. I am excited for the amount I will learn as regent, and how it would prepare me for my future in law school and consequently within the Alaska state government.

I am confident in my ability to fulfill the responsibilities involved with the student regent position, most importantly effective student outreach. Within UAF, I am well known because of my continuous involvement in student government, as well as having taken classes in different departments spanning from chemistry to justice. In addition, I am from Southeast Alaska and continue to keep in touch with students at the UAS campuses and outlying communities. I have also had the good fortune to work with other student leaders from around the state. For all of these reasons, I feel that I can assure the student body of the entire University of Alaska that I will be an effective and approachable student representative on the board.

Finally, I would like to thank you for your time in considering me for the position of University of Alaska Student Regent. I am an excellent candidate for the position and I feel that my passion for the University and Alaska will show in the enclosed materials.

Sincerely,



Mari B. Freitag

Mari B Freitag

EDUCATION

2008-present University of Alaska Fairbanks
Bachelor of Arts in Political Science/ Minor in Biological Sciences (in progress)
Current GPA: 2.92

2004-2008 Ketchikan High School
GPA: 4.0/4.06 (un-weighted/weighted)
CLASS RANK: 1st of 137
Graduated High School: May 25th, 2008

WORK EXPERIENCE

2010-Present Associated Students of UAF (ASUAF): Vice President
UA Museum of the North: Visitors Services salesclerk

2009-2010 ASUAF Senate Clerk
July 2008 U.S. Senate: Office of Senator Lisa Murkowski
-Intern

2004-2009 Cedar Chest: Gift Shop
-Cashier/Retailer

LEADERSHIP EXPERIENCE

2010-Present ASUAF Elections Board Chair
ASUAF Club Council Chair
UAF Traditions Board Member
UAF Residence Hall Association (RHA) Treasurer
UA Juneau Legislative Advocacy Conference Participant
UAF New Student Orientation Leader
ASUAF Internal Affairs Committee Chair
UAF RHA Secretary
UAF Student Recreation Center Board Member

2008-2010 ASUAF Senator: Seat T
2008-Present ASUAF RHA representative
2008-2009 Skarland Hall Residence Life Council RHA representative
2008, 2009 Participant in the annual UAF Leadership Conference
2006 Participant in the National Youth Leaders Conference, Washington DC
2004-2005 High school Freshman Class Vice President

EXTRACURRICULAR ACTIVITIES

2010-Present Treasurer of Pi Sigma Alpha- Political Science Honors Society
Member of UAF College Republicans

2008-2009 Participant in UAF intramural sports

2005-2008 Member of Ketchikan Theater Ballet's Senior Company

1994-2008 Student of the Ketchikan Theater Ballet School of Dance

AWARDS/HONORS

2010 ASUAF Senator of the Year
2008-2010 UAF Honors Student
2008 Graduating Presidential Scholar
2007 University of Alaska Scholar
2006-present National Honor Society Member

COMMUNITY SERVICE/VOLUNTEER WORK

2010 UAF Springfest Service Volunteer
2008 Ketchikan Arts Council Volunteer
2008 Ketchikan Public Library Volunteer
2007 Smithsonian Tunicate Research Project Volunteer
2007 Ketchikan Yacht Club annual fundraiser Volunteer (benefit for an elderly couple battling cancer)
2007 Ketchikan Theater Ballet Senior Company Volunteer



**Alaska State
Professional
Teaching
Practices
Commission**

**Handbook  for Alaska
Educators**

Revised May 2006

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SECTION I

INTRODUCTION

In 1966 the Professional Teaching Practices Act (AS 14.20) was passed to provide a means of policing ethics and for improving the standards and practices within the education profession. The act created a nine-member commission consisting of five classroom teachers, one principal, one superintendent, one representative from the Department of Education and Early Development, and one representative from higher education, all of whom are appointed by the governor for staggered three-year terms. Since 1973, an Executive Director has been employed to implement the policies and responsibilities of the Professional Teaching Practices Commission (PTPC).

A code of ethics for Alaska educators was adopted by the Commission and promulgated as state regulations. The code, which was rewritten in 2000, provides the ethical standards by which members of the profession are judged.

In general, the Commission deals with matters of professional conduct and certification. It has the responsibility and the power to discipline members of the teaching profession and may issue reprimands and suspend or revoke certificates of educators.

The services and resources of the PTPC are available to any individual or group. Members of the education profession, school board members, agencies, and private citizens may approach the Commission for information and assistance concerning matters of ethics and professional practices in public education in the State of Alaska.

It is the intent of the Professional Teaching Practices Commission to serve as a preventative and positive force in helping to enhance the professional performance of all educators so that the public's right to the best education possible for all of Alaska's students is adequately protected.

Further information may be obtained by contacting the PTPC office at:

**Professional Teaching Practices
Commission**
344 West Third Avenue, Suite 127
Anchorage, Alaska 99501
Phone: 269-6579
Fax: 269-6580

SECTION II

COMPLAINT, INVESTIGATION AND HEARING PROCEDURES

The following is a summary of the complaint, investigation and hearing procedures of the PTPC. When filing a complaint, the Alaska Statutes and Regulations provided in this manual should be reviewed for a full legal description.

The Commission has jurisdiction over persons required by Alaska law to hold a Type A certificate, school administrators, instructors in institutions of higher learning, school program administrators, and school counselors.

A. Complaints

Complaints may be submitted to the Commission by members of the education profession or by the public. Notification by a state agency to the Professional Teaching Practices Commission that an educator has committed a crime may also result in action by the PTPC.

In most cases, locally available procedures for processing complaints should be pursued where they are applicable before filing a complaint with the Commission. These procedures may include parent complaint procedures within the local school district, staff grievance procedures, school board hearings and the like.

A formal hearing is the final step in resolving allegations against educators by the Commission. Upon a finding, by a preponderance of the evidence, that one of

the four reasons cited in AS 14.20.030 is applicable, one of the following sanctions may be imposed: 1) a warning; 2) a reprimand; 3) a suspension of the certificate; or 4) a revocation of the certificate.

B. Investigation Procedures

The Commission staff may subpoena and interview witnesses, copy documents, and undertake other activities necessarily incident to an investigation.

C. Hearing Procedures

If the Commission staff determines that there are sufficient facts to warrant a hearing, a formal accusation is issued.

If the respondent does not file a notice of defense, the Commission makes a determination on the record. If the respondent files a notice of defense, the governor appoints an administrative law judge who presides over a hearing.

The hearing is a formal proceeding before the Commission in which the staff and the respondent may be represented by attorneys. All testimony is under oath and subject to cross-examination and all the procedures of the Administrative Procedure Act are observed.

D. Reprimand Hearing

If the staff decides that a violation has occurred but is not of the seriousness to warrant suspension or revocation of a certificate, a reprimand hearing may be conducted.

A reprimand hearing is before a panel of not less than three members appointed by the chair and is conducted in the same manner as the formal hearing.

E. Appeal of Executive Director's Decision

Where a complainant has requested that disciplinary action be taken against an educator but the Executive Director has made the administrative decision to dismiss

the complaint on its face or to dismiss the complaint after an investigation, the complainant may appeal the decision. A written appeal must be filed within 15 days of the receipt of the notice of the decision.

The appeal will be heard by a three-member panel appointed by the Chair.

The review will be restricted to evidence previously submitted to the Executive Director.

The panel may uphold the decision of the Executive Director or direct that an investigation be completed and/or the matter brought to a hearing.

The decision of the panel is final and not subject to further appeal.

SECTION III

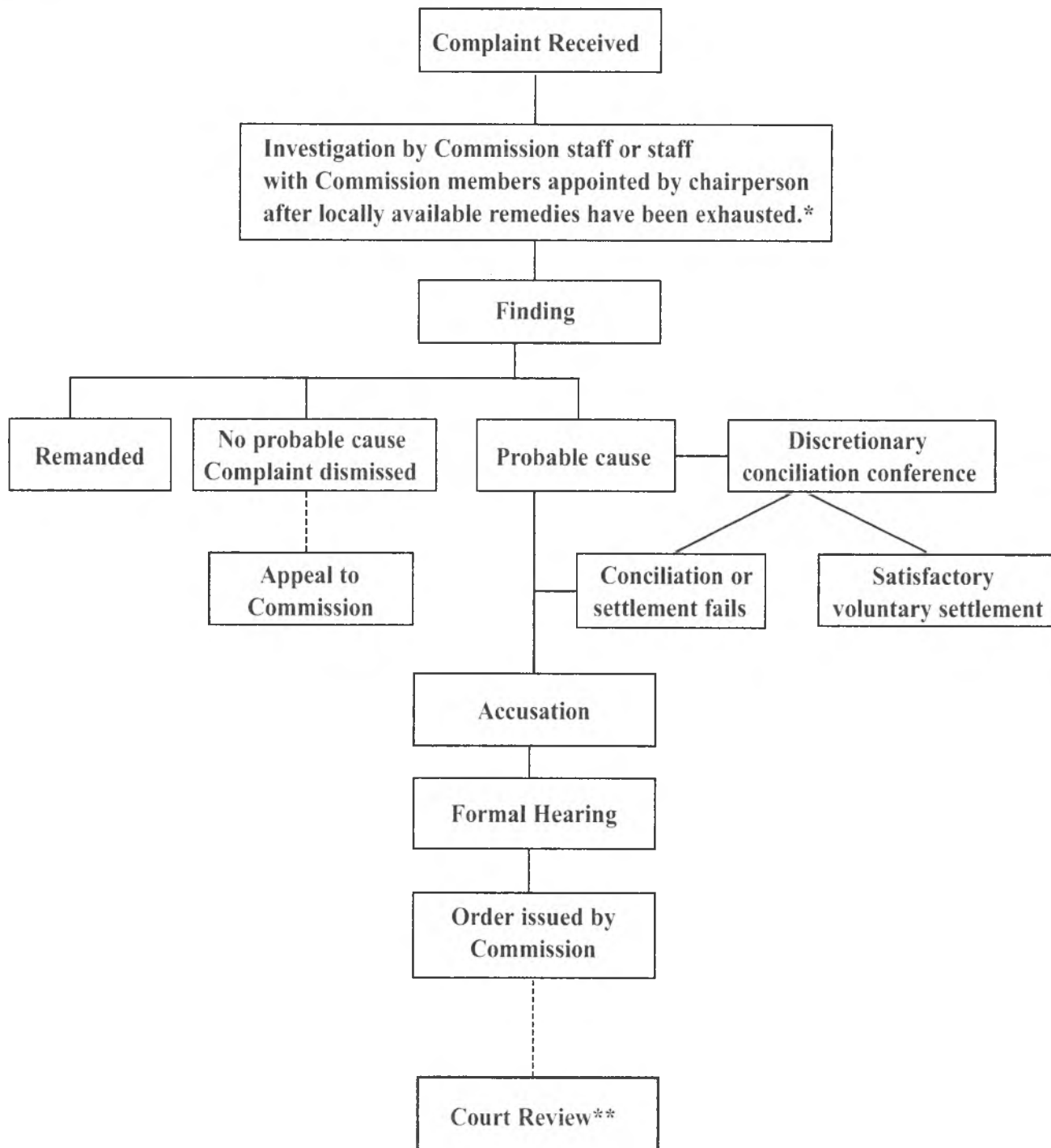
COMPLAINT SCREENING GUIDELINES

The Commission staff or investigating committee shall screen all complaints to determine whether an investigation is warranted.

1. An investigation may not be warranted if:
 - a. The allegation, if true, would not constitute a violation of ethics or law.
 - b. An investigation would place the Commission in a position of initial responsibility for investigating allegations which, by law or otherwise, are more appropriately the responsibility of a court of law or another administrative agency or commission.
 - c. The complainant did not exhaust locally available school district remedies, including appeal to the school board. This does not apply if:
 - 1) the complaint alleges a breach of ethics of such a serious nature so as to warrant further consideration by the Commission, or
 - 2) the complaint is brought by the Department of Law, Department of Education & Early Development or other state agency.
 - d. The complaint involves an allegation of a contract violation for which a grievance procedure had been an available remedy.
 - e. The complaint was filed so late as to cause the respondent undue prejudice.
2.
 - a. No complaint shall be investigated if anonymous.
 - b. No complaint shall be investigated if frivolous.
 3. If the complaint is filed by a third party, an inquiry will be made to determine why such third party filed the complaint before a decision is made to accept it for investigation.

SECTION IV

COMPLAINT, INVESTIGATION AND HEARING FLOWCHART



* Except in unusual circumstances, the Commission will not investigate a complaint until locally available remedies (e.g., grievance procedures, parental complaint systems) have been exhausted.

** Any order issued by the Commission is subject to court review.

TIME EXPECTATIONS

For a case in which a Notice of Defense is filed.

	Minimum	Maximum
1. Investigation	1 week	12 weeks
2. Attorney General review of case	1 week	12 weeks
3. Appointment of Administrative Law Judge	4 weeks	12 weeks
4. Hearing schedule set by Administrative Law Judge	3 weeks	12 weeks
5. Commission action	3 weeks	12 weeks
TOTAL	12 weeks	60 weeks

Factors that may increase the time to complete a case:

1. Summer vacation when witnesses are not available.
2. Scheduling investigator to remote areas.
3. Litigation in process which precludes witnesses from giving statements or providing documents.
4. Legal appeals to the Administrative Law Judge or the courts.
5. Time between Commission meetings at which action may be taken.

SECTION V

ALASKA STATUTES

Title 14. Education

Article 5. Professional Teaching Practices Act.

Section

- 370. Teaching profession
- 380. Creation of a commission
- 390. Appointment and qualifications
- 400. Composition of the commission
- 410. Selection of members
- 420. Term of office
- 430. Dismissal
- 440. Reimbursement

Sec. 14.20.370. **TEACHING PROFESSION.**

Teachers required by state law to be certificated, instructors in institutions of higher learning, school administrators, school program administrators, and school counselors are within the teaching profession.

Sec. 14.20.380. CREATION OF A COMMISSION. There is a commission of professional educators known as the Professional Teaching Practices Commission.

Sec. 14.20.390. APPOINTMENT AND QUALIFICATIONS. The commission consists of nine members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. Each member, in addition to having been actively engaged in the teaching profession for at least five years immediately preceding appointment, shall be a citizen of the United States and a resident of the state.

Section

- 450. Responsibilities of commission
- 460. Duties of commission
- 470. Powers of commission
- 475. Applicability of the Administrative Procedure Act
- 480. Effect of standards
- 500. Support
- 510. Short title

Sec. 14.20.400. COMPOSITION OF THE COMMISSION. The commission consists of the following members:

- (1) five classroom teachers;
- (2) one principal;
- (3) one superintendent;
- (4) one representative of the office of the commissioner;
- (5) one representative of an Alaska institution of higher learning.

Sec. 14.20.410. SELECTION OF MEMBERS.

(a) Members of the commission shall be selected as follows:

- (1) the five classroom teachers from lists of names submitted by recognized Alaska teachers' organizations, each list not to exceed 12 names; however, in lieu of one of the five, one classroom teacher may be selected from a list of not more than four names signed and submitted by not less than 25 teachers who have no affiliation with any organization qualified to submit nomination lists, with the limitation that no teacher may

sign more than one list in any year;

(2) the principal from a list of three names submitted by the Alaska Principals Association;

(3) the superintendent from a list of three names submitted by the Superintendents Advisory Commission;

(4) the representative of the office of the commissioner from a list of three names submitted by the commissioner;

(5) the representative of an Alaska institution of higher learning from lists of names submitted by Alaska institutions of higher learning, each list not to exceed three names.

(b) The lists shall be submitted to the commissioner who shall submit them as a group to the governor's office.

(c) At least 30 days before a position on the commission is due to become vacant, the chairman shall cause notice of the impending vacancy to be published and to be conveyed to each organized group eligible to submit a list of nominees.

Sec. 14.20.420. TERM OF OFFICE.

(a) The term of office for each member of the commission is three years and, except as provided in AS 39.05.080(4), each member serves until a successor is appointed.

(b) Vacancies shall be filled by appointment by the governor and, except as provided in AS 39.05.080(4), an appointment to fill a vacancy is for the unexpired term.

(c) An individual may not serve more than a total of two 3-year terms.

(d) The commission shall select a chairman from among its members.

Sec. 14.20.430. DISMISSAL. Any member may be removed by the governor for misconduct, malfeasance or nonfeasance in office, or incapacity.

Sec. 14.20.440. REIMBURSEMENT.

Members of the commission shall receive per diem according to law and are to be granted administrative leave with full pay by their employer for time spent in the performance of official duties under AS 14.20.370 - 14.20.510. If a member is required to spend more than 15 days in a fiscal year in the performance of official duties under AS 14.20.370 - 14.20.510, the state shall reimburse the employer for costs incurred after the 15th day.

Sec. 14.20.450. RESPONSIBILITIES OF COMMISSION.

The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including, but not limited to:

- (1) ethical and professional performance;
- (2) preparation for and continuance in professional services; and
- (3) contractual obligations.

Sec. 14.20.460. DUTIES OF COMMISSION.

The commission shall

- (1) establish procedures, and adopt regulations to implement the purposes of AS 14.20.370 - 14.20.510;
- (2) conduct investigations and hearings on alleged violations of ethical or professional teaching performance, contractual obligations, and professional teaching misconduct;

(3) review the regulations of the department as they relate to teacher certification and recommend necessary changes;

(4) review the decisions of the department regarding the issuance or denial of certificates and in its discretion recommend reversal of decisions.

Sec. 14.20.470. POWERS OF COMMISSION.

(a) The commission may

(1) study proposals developed by regular committees of any existing professional organization whose members are within the teaching profession;

(2) subpoena witnesses, place them under oath, and maintain written records;

(3) warn or reprimand members of the teaching profession, if in the judgment of the commission such action is warranted;

(4) suspend or revoke the certificate of a member of the teaching profession for one of the reasons set out in AS 14.20.030 except that in the case of an administrator, the commissioner must concur;

(5) make any recommendation to the board or to school boards which will promote an improvement in the teaching profession;

(6) request assistance through any of the investigative processes of any existing professional teaching organizations when analyzing charges of breach of ethical or professional teaching practices;

(7) appoint an executive secretary, delegate those ministerial functions to the executive secretary as the commission may decide and set the executive secretary's compensation with a starting salary not exceeding range 26, step B of the pay plan for state employees in AS 39.27.011(a).

(b) A decision issued by the commission with the approval of the commissioner under (a)(4) of this section is final.

Sec. 14.20.475. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under AS 14.20.370 - 14.20.510.

Sec. 14.20.480. EFFECT OF STANDARDS. Members of the teaching profession are obligated to abide by the professional teaching standards adopted by the commission.

Sec. 14.20.500. SUPPORT. In addition to available state funds, the commission shall also be financed by members of the profession in accordance with regulations adopted by the department including, if necessary, an increase in the fees for certificates.

Sec. 14.20.510. SHORT TITLE. AS 14.20.370 - 14.20.510 shall be known as the Professional Teaching Practices Act.

Sec. 14.20.030. CAUSES FOR REVOCATION AND SUSPENSION.

(a) The commissioner or the Professional Teaching Practices Commission may revoke or suspend a certificate only for the following reasons:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner;

(2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude;

(3) substantial noncompliance with the school laws of the state or the regulations of the department; or

(4) upon a determination by the Professional Teaching Practices Commission that there has been a violation of ethical or professional standards or contractual obligations.

(b) The commissioner or the Professional Teaching Practices Commission shall revoke for life the certificate of a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, involving a minor under AS 11.41.410 - 11.41.460 or a law or ordinance in another jurisdiction with elements similar to an offense described in this subsection.

(c) The commissioner or the Professional Teaching Practices Commission shall request the chief administrative law judge (AS 44.64.020), to appoint an administrative law judge employed by the office of administrative hearings to preside at a hearing conducted under this section. AS 44.64.060 and 44.64.070 do not apply to the hearing.

Sec. 14.20.040. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to all proceedings under AS 14.20.030, and revocations and suspensions are final and reviewable in accordance with AS 44.62.560 - 44.62.570.

Sec. 39.25.120(c)(7)(B). PARTIALLY EXEMPT SERVICE. This section provides that the executive secretary of the Professional Teaching Practices Commission is a partially exempt position.

SECTION VI

REGULATIONS

TITLE 4 CHAPTER 06 ARTICLE 2

PROHIBITION OF SEX DISCRIMINATION

4 AAC 06.580(d). Nothing in 4 AAC 06.500 - 4 AAC 06.600 limits the commissioner or the Professional Teaching Practices Commission from seeking to revoke the certification of, suspend, or otherwise discipline an educator who violates AS 14.18 or 4 AAC 06.500 - 4 AAC 06.600.

CHAPTER 18 EMPLOYMENT OF PROFESSIONAL PERSONNEL SECTION 10 TEACHERS' AND ADMINISTRATORS' CONTRACTS

4 AAC 18.010 (a)(12) all contracts for teachers (as defined by AS 14.20.370) must contain a clause stating that the teacher is obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission.

TITLE 20 CHAPTER 10 PROFESSIONAL TEACHING PRACTICES COMMISSION

ARTICLE

1. PROFESSIONAL STANDARDS
2. (REPEALED)

3. COMPLAINTS AND INVESTIGATIONS
4. GENERAL PROVISIONS

ARTICLE I PROFESSIONAL STANDARDS

20 AAC 10.020. CODE OF ETHICS AND TEACHING STANDARDS.

(a) The following code of ethical standards governs all members of the teaching profession. A violation of this section is grounds for discipline as provided in AS 14.20.030.

(b) In fulfilling obligations to students, an educator:

- (1) repealed 10/25/2000;
- (2) may not deliberately distort, suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;
- (3) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;
- (4) may not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;
- (5) may not expose a student to unnecessary embarrassment or disparagement;
- (6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall

make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;

(7) may not use professional relationships with students for private advantage or gain;

(8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;

(9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

(c) In fulfilling obligations to the public, an educator

(1) repealed 10/25/2000;

(2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;

(3) shall cooperate in the statewide student assessment system established under 4 AAC 06.710 - 4 AAC 06.790 by safeguarding and maintaining the confidentiality of test materials and information;

(4) repealed 10/25/2000;

(5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;

(6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, and may not offer a gratuity, gift, or favor to obtain special advantage;

(7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision; and

(8) may not use or allow the use of district resources for private purposes not related to district programs and operation.

(d) In fulfilling obligations to the profession, an educator

(1) may not, on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, and may not discriminate in employment practice, assignment, or personnel evaluation;

(2) shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;

(3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;

(4) may not sexually harass a fellow employee;

(5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;

(6) shall provide, upon the request of the affected party, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;

(7) may not deliberately misrepresent

the educator's or another's professional qualifications;

(8) repealed 10/25/2000;

(9) may not falsify a document, or make a misrepresentation on a matter related to licensure, employment evaluation, test results, or professional duties;

(10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;

(11) may not intentionally file a false or malicious complaint with the commission;

(12) may not seek reprisal against any individual who has filed a complaint, provided testimony, or given other assistance in support of a complaint filed with the commission;

(13) shall cooperate fully and honestly in investigations and hearings of the commission;

(14) repealed 10/25/2000;

(15) may not unlawfully breach a professional employment contract;

(16) shall conduct professional business through appropriate channels;

(17) may not assign tasks to unqualified personnel;

(18) may not continue in or seek professional employment while unfit due to

(A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues;

(B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;

(19) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities.

(Eff. 1/30/75, Register 53; am 8/10/80, Register 75; am 6/16/84, Register 90; am

8/5/90, Register 115; am 7/21/91, Register 119; am 7/28/94, Register 131; am 4/8/99, Register 150; am 10/25/2000, Register 156)

Authority: AS 14.20.030

AS 14.20.370

AS 14.20.450

AS 14.20.460

AS 14.20.480

20 AAC 10.035. MORAL TURPITUDE.

For the purposes of AS 14.20.030(a)(2),

(1) "moral turpitude" means conduct that is wrong in itself even if no statute were to prohibit the conduct; and

(2) "a crime involving moral turpitude" includes

- (A) homicide;
- (B) manslaughter;
- (C) assault;
- (D) stalking;
- (E) kidnapping;
- (F) sexual assault;
- (G) sexual abuse of minor;
- (H) unlawful exploitation of a minor;
- (I) robbery;
- (J) extortion;
- (K) coercion;
- (L) theft;
- (M) burglary;
- (N) arson;
- (O) criminal mischief;
- (P) forgery;
- (Q) criminal impersonation;
- (R) bribery;
- (S) perjury;
- (T) unsworn falsification;
- (U) interference with official proceedings;
- (V) witness tampering;
- (W) jury tampering;

- (X) terroristic threatening;
- (Y) possession or distribution of child pornography;
- (Z) unlawful distribution or possession for distribution of a controlled substance;
- (AA) unlawfully furnishing alcohol to a minor;
- (BB) felony possession of a controlled substance.

(Eff. 4/8/99, Register 150; am 12/25/2005, Register 176)

Authority: AS 14.20.030
 AS 14.20.450
 AS 14.20.460

20 AAC 10.040. COMMISSION RECORDS.

(a) Records of the commission are open for public inspection and copying, with the following exceptions:

- (1) a document required by law or court order to be sealed or otherwise kept confidential;
 - (2) personnel files;
 - (3) investigative files, except that documents that have been presented as evidence or filed in an administrative adjudicative proceeding are no longer confidential under this paragraph.
- (b) The commission staff may share an investigative file with appropriate law enforcement agencies if instances of criminal misconduct have been alleged or discovered in the course of an investigation.
- (c) The respondent may obtain access to the investigative file, except privileged information, through a request for discovery after a formal disciplinary proceeding commences based on the investigation.
- (d) All references to a minor in an administrative proceeding and in documents

available to the public must be by initials or similar method that maintains the minor's confidentiality. If a minor is called to testify as a witness at a hearing, the commission will, in its discretion, close that portion of the hearing to the general public and will determine who may be present while the minor is testifying. A transcript of the proceeding must refer to a minor by initials or similar method that maintains confidentiality. (Eff. 8/12/82, Register 83; am 4/8/99, Register 150)

Authority: AS 14.20.460
 AS 14.20.470

**ARTICLE III
 COMPLAINTS AND
 INVESTIGATIONS**

20 AAC 10.200. COMPLAINTS.

- (a) An individual having knowledge of an alleged act by an educator, that would be grounds for discipline by the commission under AS 14.20.030, may file a complaint with the commission. The complaint must be in writing and signed by the complainant, and must contain:
- (1) the name, mailing address, and contact telephone number of the individual making the complaint;
 - (2) the name of and school or location of the educator against whom the complaint is made;
 - (3) a statement of the facts of the alleged misconduct, including the time and place of the misconduct;
 - (4) the specific statute or regulation alleged to have been violated, if known; and
 - (5) any documentation that is relevant to the facts alleged and that is available to the complainant.

(b) The executive director may conduct an investigation if the director learns of information that would be grounds for discipline by the commission under AS 14.20.030.

(c) The educator who is named in a complaint or is the subject of an investigation must be an individual and may not be a board, department, district, institution, education association, or similar organization. (Eff. 7/22/89, Register 111; am 4/8/99, Register 150)

Authority: AS 14.20.460
AS 14.20.470

20 AAC 10.210. COMPLAINT

PROCESSING. (a) Upon receipt of a complaint, the commission staff shall determine whether the complaint sets out facts that, if true, would constitute a basis under AS 14.20 upon which the commission could impose a sanction on the educator. If the commission staff determines that a complaint is not sufficient upon its face, the staff shall dismiss the complaint without investigation.

(b) Unless the alleged act would be grounds for discipline under AS 14.20.030, the staff may not investigate school district personnel actions, including hiring, evaluation, transfer, reassignment, or dismissal of staff; or curriculum actions.

(c) The commission staff may decline to accept a complaint until locally available remedies have been pursued.

(d) Before completing an investigation, the staff shall provide the respondent with an opportunity to respond to the complaint.

(e) After beginning an investigation the staff may

(1) file an accusation requesting discipline under AS 14.20.030;

(2) negotiate with the educator for an agreement to bring before the commission for approval, for the imposition of discipline; or

(3) dismiss the complaint.

(f) If a complaint is dismissed under (a), (b), or (e)(3) of this section, the staff shall notify the complainant and advise the complainant of the right to a review under 20 AAC 10.220. (Eff. 7/22/89, Register 111; am 4/8/99, Register 150)

Authority: AS 14.20.030
AS 14.20.460
AS 14.20.470

**20 AAC 10.220. REVIEW OF
DECISION TO DISMISS COMPLAINT.**

A complainant may request an administrative review of the staff's decision to dismiss the complaint by filing a written request for review with the commission within 15 days after receipt of notice under 20 AAC 210(f). The review shall be conducted by a panel of not less than three commission members appointed by the chair. The review of the staff's decision shall be limited to the written record and materials used by the staff in the determination to dismiss the complaint. The decision of the panel is the final decision of the commission. (Eff. 7/22/89, Register 111)

Authority: AS 14.20.460

20 AAC 10.230. WARNING OR REPRIMAND HEARING.

A proceeding in which only a warning or reprimand is sought will be heard by a panel of not less than three commission members appointed by the chair. (Eff. 7/22/89, Register 111)

Authority: AS 14.20.460
AS 14.20.470

**ARTICLE IV
GENERAL PROVISIONS**

20 AAC 10.300. PUBLICATION OF COMMISSION ACTION.

- (a) A warning is a public record of the commission, but the commission will not initiate public dissemination of the document.
- (b) The commission staff shall send a copy of the commission's decision and order to impose sanctions greater than a warning to the following:
- (1) the chief school administrator in the district in which the respondent is employed;
 - (2) the school board president in the school district in which the respondent is employed;
 - (3) the certification section of the Department of Education for placement in the respondent's file;
 - (4) the national clearinghouse that maintains records of professional discipline against teaching professionals;
- (c) If the disciplinary order is against an administrator, the notice required under (b) of this section may not be given until the commissioner concurs as required by AS 14.20.470(a)(4).
- (d) The commission will report on all discipline taken since last publication in the commission's periodic publication of commission activity. The commission will not identify the name of the respondent in cases where only a warning was given.
- (e) The commission staff shall notify a complainant of the action of the commission. The notification of a warning or reprimand is limited to a summary of the action. (Eff. 7/22/89, Register 111; am

4/8/99, Register 150)
Authority: AS 14.20.460
AS 14.20.470

20 AAC 10.310. DISTRIBUTION OF HANDBOOK. Copies of the Alaska State Professional Teaching Practices Commission's Handbook for Alaska Educators shall be conspicuously displayed, and available, at every education institution in the state whose employees are members of the teaching profession under AS 14.20.370. (Eff. 1/30/75, Register 53; am 7/22/89, Register 111)
Authority: AS 14.20.460
AS 14.20.470

20 AAC 10.900. DEFINITIONS. In this chapter,

(1) "sexual conduct" includes solicitations for sex; explicit sexual jokes and stories; discussion of the educator's sexual feelings or activities; discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; and "sexual penetration" and "sexual contact" as those terms are defined in AS 11.81.900(j).

(2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student.

(3) "director" means the person appointed to fill the position of "executive secretary" as described in AS 14.20.470(a)(7). (Eff. 8/5/90, Register 115; am 7/28/94, Register 131, am 4/8/99, Register 150)
Authority: AS 14.20.030
AS 14.20.450
AS 14.20.460
AS 14.20.470
AS 14.20.480

**DEPARTMENT OF EDUCATION
4 AAC 12.300(h-j).**

CERTIFICATION OF TEACHERS.

(h) An applicant for a certificate shall, on the application, disclose a suspension or revocation of a certificate by this or another state. A teacher who has been issued a certificate by this state shall immediately notify the department of suspension or revocation of a certificate issued by another state. Failure to inform the department of a suspension or revocation as required by this subsection may result in denial or revocation of a certificate.

(i) Any misrepresentations or willful omission of information on a certification

application may result in denial or revocation of the certificate.

(j) The department may deny an application for issuance or renewal of a teacher certificate for any reasons that is cause for revocation or suspension under AS 14.20.030. (Eff. 9/29/2005, Register 175; am 9/30/2005, Register 175; am 12/20/2005, Register 177)

Authority: AS 14.07.060
AS 14.20.010
AS 14.20.020
AS 14.20.030

SECTION VII

PTPC PROCEDURES

1. The PTPC may issue position statements, subject to the following conditions:
 - a. Positions will be formulated on an issue-by-issue basis.
 - b. The staff may publicly present only those positions that have been adopted by the Commission on record.
 - c. Commission members may, on behalf of the Commission, present only those positions that have been adopted by the commission on record.
 - d. Official elaboration and discussion of established positions should be made only by the chairperson and/or the staff.
2. Public comment is limited to five (5) minutes per person. The Commission may extend that to fifteen (15) minutes if deemed appropriate.

SECTION VIII

PTPC BYLAWS

Article I Membership

1. A member of the Commission is encouraged but not required to resign if the member changes professional positions in such a manner that the member does not continue to represent the group making the original nomination for membership. The member is encouraged to make the resignation effective the date that a successor is appointed.

2. In the event a Commission member fails to discharge required duties, removal from office may be requested by a majority vote of the Commission. Such a request will be forwarded by the chairperson to the Governor through the Commissioner of Education & Early Development.

Article II Meetings

1. The Commission shall hold an annual meeting in the fall of each year, with other regular meetings to be set by the Commission.

2. Special meetings may be called by the chairperson or upon written request of four members of the Commission. The Executive Director shall notify all members of the time and place of such meetings.

3. Special meetings may be held by teleconference.

4. The conduct of non-adjudicatory portions of the meetings shall be governed

by Robert's Rules of Order, *1971 Edition*, to the extent practicable. In cases of conflict with statutes, regulations, or these by-laws, they will prevail in that order of preference.

Article III Officers

1. The officers of this Commission shall be a chair, vice-chair, and secretary. Each officer shall serve for one year with the privilege of reelection. Elections shall be held in the spring or the first annual meeting in the fall.

2. The chairperson shall preside at all meetings and take such other action as may be authorized by these bylaws or by the members of the Commission. The chairperson shall be privileged to comment or debate from the chair, and must cast a vote on any motion unless there had been prior approval to abstain.

3. The vice-chair shall preside in the absence of the chair, shall perform such other duties as may be specified by the Commission and shall automatically become chair in case the duly elected chair should resign, die or for some other reason fail to serve.

4. The secretary shall insure that records of the activities of the Commission are maintained, and perform such other duties as the Commission may assign.

5. The three officers shall comprise the executive committee of the Commission.

6. The Executive Committee of the Commission shall be empowered to act in emergency situations in order to carry out the responsibilities of the Commission. Any such action must be consistent with the provisions contained in the *Professional Teaching Practices Act*, the *Administrative Code*, and the *Bylaws* of the Commission, as well as any current procedures and/or policies that are in force and which have been approved by the Commission during official meetings of the Commission.

7. Officers shall take office when elected.

Article IV PTPC Staff

1. Director's (referred to as "Executive Secretary" in AS 14.20.470) Job Description. The director:

- a. Explains and interprets regulations, code of ethics, school law, and offers advice.
- b. Formulates written replies to formal complaints.
- c. Conducts investigations of alleged unethical and/or illegal conduct.
- d. Initiates and coordinates all aspects of disciplinary hearings, such as writing investigative reports, drafting accusations, requesting administrative law judges, notifying the parties involved both before and after hearings, and arranging for recording court witnesses and meeting(s).
- e. Works with the Commission's attorney from the Department of Law

regarding complaints and hearings.

- f. Prepares the agendas and all relevant reference material and makes all of the necessary arrangements for Commission meetings.

- g. Prepares newsletters, annual reports, annual budget documents, case summary documents, charts, and other special reports and projects as required.

- h. Regularly reviews school law periodicals, legal opinions, court decisions, arbitration rulings, articles, newsletters, etc.

- i. Conducts research on relevant school law issues at the request of the Commission.

- j. Writes recommended regulations, position statements, letters, reports, etc.

- k. Proposes and administers the Commission's budget.

- l. Testifies before the Legislature and State Board of Education & Early Development on Commission matters.

- m. Responds to special requests for information by state agencies, educational organizations, the news media, etc.

- n. Makes presentations to college classes, conference sections, school district in-service programs, and other public forums regarding professional ethics, certification, and the Commission.

o. Represents the Commission and participates in the State Board of Education & Early Development meetings, conferences, workshops, certification meetings.

p. Drafts subpoenas, accusations and final order documents.

2. Secretary's Job Description. The secretary:

a. Sets up and maintains special files of correspondence and records for current projects.

b. Summarizes and interprets data and prepares reports.

c. Receives and screens telephone calls; uses tact and discretion in public interaction; and maintains confidentiality of Commission business.

d. Arranges for transportation and accommodation of traveling staff members; checks and processes expense claims.

e. Is responsible for all financial coding and budget record keeping.

g. Prepares referrals to the Office of Administrative Hearings and maintains a record of funds encumbered for its services.

h. Keeps current on state administrative procedures.

**Professional Teaching Practices Commission
 CODE OF ETHICS AND TEACHING STANDARDS COMPLAINT
 REQUEST FOR INVESTIGATION**

Please type or print clearly in dark ink
 Attach additional sheets if necessary

PTPC Case No. _____ <small>PTPC USE ONLY</small>

_____ wish to file the following complaint against

(name)

_____ whose address is _____
(name) (specify if address is for home or work)

and who is a _____ in the _____ school of the _____
(position)

school district in the State of Alaska. The actions listed below occurred on or about _____
(date)

Attach additional sheets if necessary _____

I believe that these actions violate the following sections and subsections of the *Code of Ethics and Teaching Standards*, 20 AAC 10.020: _____

These are the previous steps I have taken in trying to solve this problem (please include results of these steps):

I hereby request that the Professional Teaching Practices Commission determine the merits of this complaint and take appropriate action

Signed _____	Date _____	Telephone No _____
Other persons qualified to give information relative to this problem:	Address _____	
Name _____	Address _____	Telephone No _____ Position _____

Return form to: Professional Teaching Practices Commission, 344 West Third Avenue, Suite 127, Anchorage, Alaska 99501 - Phone: 269-6579, Fax: 269-6580



**Professional
Teaching Practices
Commission**



**344 W. Third Ave. Suite 127
Anchorage, AK 99501
Phone: 269-6579
FAX: 269-6580**

Teacher Certification

State of Alaska > Department of Education & Early Development > Teacher Certification > Professional Teaching Practices Commission

Chapter 010 - Professional Teaching Practices Commission

- Professional Teaching Practices Commission
- Teacher Certification Homepage

Section

- 10. Coverage
- 20. Code of ethics and teaching standards
- 30. Distribution of handbook
- 35. Moral Turpitude
- 900. Definitions

20 AAC 10.010. COVERAGE.

All members of the teaching profession (as defined in AS 14.20.370) are obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission.
(Repealed 01/30/75)

Authority: AS 14.20.480

20 AAC 10.020. CODE OF ETHICS AND TEACHING STANDARDS. (a) The following code of ethical and professional standards governs all members of the teaching profession. A violation of this section is grounds for discipline as provided in AS 14.20.030.

(b) In fulfilling obligations to students, an educator:

- (1) repealed 10/25/2000;
- (2) may not deliberately distort, suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;
- (3) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;
- (4) may not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;
- (5) may not expose a student to unnecessary embarrassment or disparagement;
- (6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
- (7) may not use professional relationships with students for private advantage or gain;
- (8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;
- (9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

(c) In fulfilling obligations to the public, an educator:

- (1) repealed 10/25/2000;
- (2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;
- (3) shall cooperate in the statewide student assessment system established under 4AAC 06.710-4 ACC 06.790 by safeguarding and maintaining the confidentiality of test materials and information;
- (4) repealed 10/25/2000;
- (5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;
- (6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, and may not offer a gratuity, gift, or favor to obtain special advantage;
- (7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision; and
- (8) may not use or allow the use of district resources for private purposes not related to the district programs and operation.

(d) In fulfilling obligations to the profession, an educator:

- (1) may not, on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical

condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, and may not discriminate in employment practice, assignment, or personnel evaluation:

- (2) shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities;
- (3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;
- (4) may not sexually harass a fellow employee;
- (5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;
- (6) shall provide, upon the request of the affected party, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;
- (7) may not deliberately misrepresent the educator's or another's professional qualifications;
- (8) repealed 10/25/2000;
- (9) may not falsify a document, or make a misrepresentation on a matter related to licensure, employment evaluation, test results, or professional duties;
- (10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;
- (11) may not intentionally file a false or malicious complaint with the commission;
- (12) may not seek reprisal against any individual who has filed a complaint, provided testimony or given other assistance in support of a complaint filed with the commission;
- (13) shall cooperate fully and honestly in investigations and hearings of the commission;
- (14) repealed 10/25/2000;
- (15) may not unlawfully breach a professional employment contract;
- (16) shall conduct professional business through appropriate channels;
- (17) may not assign tasks to unqualified personnel;
- (18) may not continue in or seek professional employment while unfit due to (A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues; (B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;
- (19) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities

(Eff. 1/30/75, Register 53; am 8/10/80, Register 75; am 6/16/84, Register 90; am 8/5/90, Register 115; am 7/21/91, Register 119; am 7/28/94, Register 131; am 4/8/99, Register 150; am 10/25/2000, Register 156)

Authority:

- AS 14.20.030 (a)
- AS 14.20.370
- AS 14.20.450
- AS 14.20.460
- AS 14.20.480

20 AAC 10.035. MORAL TURPITUDE. For the purpose of AS 14.20.030(a)(2),

(1) "moral turpitude" means conduct that is wrong in itself even if no statute were to prohibit the conduct; and

(2) a crime involving moral turpitude includes:

- (A) homicide;
- (B) manslaughter;
- (C) assault;
- (D) stalking;
- (E) kidnapping;
- (F) sexual assault;
- (G) sexual abuse of minor;
- (H) unlawful exploitation of a minor;
- (I) robbery;
- (J) extortion;
- (K) coercion;
- (L) theft;
- (M) burglary;
- (N) arson;
- (O) criminal mischief;
- (P) forgery;
- (Q) criminal impersonation;
- (R) bribery;
- (S) perjury;
- (T) unsworn falsification;
- (U) interference with official proceedings

- (V) witness tampering
- (W) jury tampering;
- (X) terroristic threatening;
- (Y) possession or distribution of child pornography;
- (Z) unlawful distribution or possession for distribution of a controlled substance;
- (AA) unlawfully furnishing alcohol to a minor. (Eff 4/8/99, Register 150)
- (BB) felony possession of a controlled substance. (History: Eff. 4/8/99, Register 150; am 12/25/2005, Register 176)

Authority:

- AS 14.20.030**
- AS 14.20.450**
- AS 14.20.460**

20 AAC 10.900. DEFINITIONS: In this chapter,

- (1) "sexual conduct" includes solicitations for sex; explicit sexual jokes and stories; discussion of the educator's sexual feelings or activities; discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; and 'sexual penetration' and 'sexual contact' as those terms are defined in **AS 11.81.900(j)**.
- (2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student.

PTPC Regs (Eff. 10/25/00)

Revised May 2000

801 West 10th Street, Suite 200, P.O. Box 110500, Juneau, AK 99811-0500
Telephone: (907) 465-2831 Fax:(907) 465-2441

Contact Teacher Cert: tcwebmail@alaska.gov

University of Alaska Statewide System Bylaws of the Board of Regents

BL01. Name, Authority, and Seal.

A. Name.

The official name of the Board of Regents will be the Board of Regents of the University of Alaska. In these bylaws, the term "board" means the Board of Regents of the University of Alaska.

B. Constitutional Authority.

1. The University of Alaska is established by the Constitution of the State of Alaska, Article VII, Section 2, which provides:

The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

2. The Board of Regents and its authority over the University of Alaska is established by the Constitution of the State of Alaska, Article VII, Section 3, which provides:

The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

C. Statutory Authority.

Statutory provisions related to the authority of the Board of Regents over the University of Alaska are contained in AS 14.40.

D. Corporate Seal.

The corporate seal of the University of Alaska will contain an inner circle and an outer circle. The outer circle will contain the name "University of Alaska" and the inner circle will contain the words "corporate seal," and the year "1917" signifying the founding of the University of Alaska.

(02-07-07)

BL02. Appointment, Term of Office, Compensation and Orientation.

A. Appointment of Regents.

Regents will be selected, appointed, and will hold office in the manner provided by law. For purposes of determining the qualifications for office of the student regent appointed pursuant to AS 14.40.150(b), "full-time student" as used in AS 14.40.130(e) means a student enrolled in at least 12 units, or 9 units if admitted as a graduate student. Unless otherwise disqualified for academic or disciplinary reasons, a person who has met the standard of "full-time student" ceases to be a student only upon failing to enroll as a full-time student at the university by the end of the last applicable late registration deadline for two consecutive semesters. For purposes of the preceding sentence, "semester" includes the fall, spring, or summer semester, summer session, or summer term.

B. Term of Office.

The term of office for a regent other than the student regent appointed pursuant to AS 14.40.150(b) is eight years as provided by AS 14.40.140. The term of office begins on the first Monday in February of the year in which the appointment is made. The term of office for the student regent appointed pursuant to AS 14.40.150(b) is two years and begins on June 1 of the year in which the appointment is made as provided by AS 14.40.150(b). Regents serve for the length of their term, until resignation, or until a replacement has been named by the governor.

C. Compensation.

Regents receive no compensation for their service. Regents will receive actual transportation expenses for attendance at board meetings or for other university purposes approved by the board chair. Each regent may elect on an annual basis to receive meals and lodging expense reimbursement in accordance with board travel policy and university regulation; or to receive a per diem allowance as established by the board travel policy and university regulation for each day or portion of a day spent in an actual meeting, or on authorized official business incident to duties as a regent, in accordance with AS 39.20.

D. Orientation.

Each regent will be informed of the powers and responsibilities of members of the board by the board chair and the university president within a reasonable time following the regent's appointment. (02-07-07)

BL03. Duties of the Board of Regents.

The board will be responsible for the governance of the university as provided by the Constitution of the State of Alaska and the laws enacted pursuant thereto. The board may annually review the performance of the board. A failure to perform an annual review is an internal matter and does not affect the validity of any action. (02-07-07)

BL04. Officers.

The officers of the board will be chair, vice chair, secretary, and treasurer. The board may establish or abolish from time to time such offices and positions as may be appropriate to perform the functions of the board. (02-07-07)

BL05. Officer Election, Term of Office, Removal from Office, and Vacancies.

A. Election.

At the annual meeting of the board, the officers of the board will be elected by a simple majority vote. Voting may be by secret ballot. Nominations will be taken from the floor.

B. Term of Office.

The officers of the board will serve a 1-year term of office or until a successor is elected. A regent may not hold office as chair for more than three full consecutive terms.

C. Removal from Office.

An officer of the board may be removed from the office by a simple majority vote of the whole board at any regular or special meeting.

D. Vacancies.

Upon completion of service of a regent holding office, the office becomes vacant. A vacancy created by death, resignation, expiration of the term of appointment or otherwise may be filled at the same meeting, or the next regular or special meeting of the board. A person elected to fill a vacancy serves the remainder of the term of the office vacated.

(02-07-07)

BL06. Duties and Powers of Board Officers.

A. Chair.

The board chair will preside at all meetings of the board; will establish and eliminate committees of the board as appropriate; will appoint the chairs and members of all committees of the board unless otherwise specified in these bylaws; will assign individual regents to external boards and commissions; will sign requisitions as provided in AS 14.40.290(a); and will perform such other duties as may be provided by these bylaws or by law. All decisions of the chair are subject to the will of the board. The chair will be entitled to vote in all matters.

B. Vice Chair.

The vice chair will, in the case of the vacancy, absence, incapacity, or resignation of the chair, perform the duties of the chair until the chair returns or is replaced in the manner provided by these bylaws.

C. Secretary.

The secretary will cause to be kept minutes of the meetings of the board; will attend to the serving of all notices required by these bylaws after consultation with the board chair and the university president; will attend to such correspondence as may be assigned; will

perform all duties incidental to the office of secretary; and will sign requisitions as provided by AS 14.40.290(a).

D. Treasurer.

The treasurer will be the custodian of the funds and securities of the university, and will deposit the same in the name of the university in such bank or banks as the board may designate. The treasurer will pay out money under the direction of the board, and will exhibit the records at any time to any person authorized to inspect the same. The treasurer will give a bond for the faithful performance of duties in such sum as the board may prescribe, the premiums to be paid from the funds of the university.

E. Secretary or Treasurer Pro Tem.

In the absence of the secretary or treasurer, the chair may appoint a regent to serve as secretary pro tem or treasurer pro tem who will have all authority of the secretary or treasurer. The appointments may be terminated by a majority vote of the board.

F. Delegation of Powers.

In case of the absence of any officer of the board, or for any other reason that the board may deem sufficient, the board, by majority vote, may delegate the powers or duties of such officer to any member of the board.

(04-08-11)

BL07. Committees of the Board of Regents.

A. Scope.

The committees of the board will study problems in the areas assigned to them and advise the board as to appropriate policy changes and action. Each committee will keep informed with respect to the manner in which the policies of the board are being administered in its assigned area. Unless otherwise specifically directed by action of the board, all committees will be advisory to the board. Committees will be established and eliminated by the board chair, subject to the will of the board. Decisions of committees may be overruled by action of the board.

B. Composition.

Unless committee composition is otherwise provided by these bylaws, committees will consist of not less than three, nor more than five regents appointed by the chair with the chair serving as an ex-officio member of each committee.

C. Committee Chair.

The chair will appoint the chair of each committee, unless otherwise specified in these bylaws.

D. Term.

The 1-year term of all committee appointees will expire concurrently with the term of the officers of the board.

E. Specially Designated Committee Members.

The chair of each committee may designate any regent who is present at a committee meeting, but is not a regular member of that committee, to serve as a special member of the committee in the event that a regular member is absent from the meeting. Specially designated committee members will enjoy all the rights and privileges of regularly appointed committee members for the duration of the scheduled meeting, including the right to vote.

F. Audit Committee.

The Audit Committee is established as a standing committee of the board. The committee shall be responsible for advising the board on matters relating to stewardship of University finances and assets, for oversight of internal and external audit functions, and for ascertaining the existence and adequacy of accounting and internal control systems and safeguards over University assets. The committee shall recommend to the board the selection of the University's external auditors.

G. Audit Committee Charter.

1. The primary function of the Audit Committee is to assist the board in fulfilling its oversight responsibilities relating to: the university's financial statements, systems of internal control, compliance with legal and regulatory requirements, and the independence and performance of the external and internal audit functions. The committee shall maintain free and open communication among the committee, independent auditors, the internal auditors and management of the university.
2. Members shall be independent of management of the university and its component units and related organizations, and be free of any financial or personal relationship that would impair such independence. If possible, a majority of members shall be financially literate and at least one member shall be a financial expert. "Financial literacy" means being able to read and understand fundamental financial statements. "Financial expert" means a person who has one or more of the following: an understanding of generally accepted accounting principles and financial statements, experience applying such principles, experience preparing or auditing financial statements, experience with internal controls, and an understanding of audit committee functions.
3. Management is directly responsible for the preparation, presentation, and integrity of the university's financial statements and for the appropriateness of the accounting principles and reporting practices used by the university. The committee is responsible for overseeing management's efforts to meet those responsibilities in a reasonable and appropriate manner. The principal duties and responsibilities of the committee include:
 - a. the appointment, compensation, oversight, and retention of the independent external auditor; the external auditor shall report directly to the committee;

- b. the approval of all audit and non-audit services provided by the external auditor; pre-approval authority may be delegated to the committee chair, subject to later ratification by the committee;
- c. appropriate rotation of the lead external audit partner on the audit engagements;
- d. providing sufficient opportunity for the external auditors, the internal auditor, and the general counsel to each meet privately with the committee;
- e. inquiring of management and the external auditor about the effectiveness of the university's system of internal controls;
- f. inquiring of management, the independent auditors and the internal auditors about: the appropriateness of the university's accounting principles, the consistency in the application of those principles, the degree of aggressiveness or conservatism used in applying those principles;
- g. inquiring of management, the external auditors and the internal auditors about the clarity and completeness of the financial statements and related disclosures, including the appropriateness of any significant changes in accounting principles;
- h. reviewing with management and the independent external auditor all matters required to be communicated to the committee under generally accepted auditing standards, including communications under Statement of Auditing Standards No. 61 "Communications with Audit Committee", as amended; reviewing and approving the annual financial statements of the university and the audit report on Federal Awards as required by OMB Circular A-133, also known as the single audit; the report on the single audit is completed at a later date than the university's financial statements;
- i. reviewing periodic reports from the internal auditor regarding all audit activities at the university;
- j. reviewing, as needed, the internal audit charter and audit protocols under P05.03.010 – 05.03.018 and making recommendations to the board regarding changes and enhancements;
- k. maintaining adequate policies and procedures for addressing complaints regarding accounting controls and reports of financial fraud;
- l. reviewing briefings from the internal auditor, general counsel, or management on financial fraud situations and/or whistleblower complaints;

- m. the development and monitoring of the university's conflict of interest policies, principles of employee conduct, and fraud policy; and
- n. reporting the results of the committee's activities to the board .

H. Special Committees.

The board chair may appoint such special committees with such membership and responsibilities as the chair may determine.

(04-08-11)

BL08. Meetings of the Board of Regents and Committees.

A. Open Meetings and Voting.

Meetings of the board and its committees will be open to the public as required by AS 44.62.310. The board will provide adequate facilities for members of the public to attend board meetings. During public session of the full board, any vote may be taken by roll call at the discretion of the chair. Roll call votes will not be used in committee meetings except those conducted by teleconference.

B. Executive Sessions.

To the full extent allowed and pursuant to procedures provided by AS 44.62.310, the board or a committee of the board may go into executive session upon majority vote. Voice votes are authorized on all motions made during executive sessions. At any time during executive session, without regard to how the regent voted, a motion to reconsider the motion to go into executive session may be made by any regent, and discussed by the board or committee in executive session. If the board makes findings during an executive session, the findings will be made a part of the record of the proceedings and will be open to inspection by the public at reasonable times.

C. Meeting Dates.

The date and location of regular or special meetings of the board will be fixed by the board from time to time. Special and emergency meetings may also be called by the board chair, university president, or at the written request of any three regents, provided the notice as required by these bylaws is given.

D. Annual Meeting.

The Annual Meeting of the board shall be the last regular meeting of the calendar year. The board shall elect its officers at the annual meeting. At the annual meeting, the board shall review its performance and set its goals for the upcoming year.

E. Notice of Meetings.

1. In accordance with AS 14.40.160(b), thirty days public notice will be provided for regular meetings of the board. Ten days public notice will be provided for special meetings of the board. Emergency meetings may be called without public notice.
2. Notice of all board meetings will be given to each regent and will specify the time and place of the meeting. Unless all regents are present, action taken at a special

or emergency meeting must be directly related to the purpose of the meeting as noticed to regents. Notice will be deemed given, whether or not such notice is actually received, by means of any of the following methods:

- a. mailing written notice by the United States Postal Service postage prepaid to the last known address of the regent at least 96 hours prior to the time of meeting;
- b. attempting to give verbal notice by telephoning the business or residence of the regent at the last known telephone number of the regent and leaving a message notifying the regent of the meeting; or leaving a message to return the call, and, if the call is returned, notifying the regent of the meeting;
- c. providing written notice by facsimile transmission to the last known facsimile telephone number of the regent; or
- d. mailing notice by electronic mail receipt requested to the last known email address of the regent.

F. Disputes Concerning Notice.

The board has the final determination of all disputes concerning the giving of notice.

G. Quorum.

No business may be transacted at any meeting of the board unless at least six regents are present. There will be no proxy permitted. There is no quorum requirement for committee meetings. Official action of the board requires the affirmative vote of the majority of the whole board.

H. Rules of Order.

When not in conflict with any of the provisions of these bylaws or other law, the latest revision of *Robert's Rules of Order* will constitute the rules of parliamentary procedure applicable to all meetings of the board.

I. Unanimous Consent.

In meetings of the board or its subcommittees that are not held by teleconference, the chair may elect to seek unanimous consent, in which case, the following process shall be used. The chair shall ask if there is any objection to unanimous consent to a motion or action. If no regent objects, all regents present at the time shall be counted and recorded as voting to approve the action or motion. In such event, the chair should announce that there was no objection so all regents present will be counted as voting in favor of the action or motion. If any regent present objects to unanimous consent or requests another method of voting, a roll call vote or other appropriate method of voting shall be used.

J. Agenda.

1. An advance agenda for committee and full board meetings will be prepared by the president as approved by the officers of the board, and distributed along with relevant supporting papers, reports, or other communications or exhibits pertaining to agenda items so that it is received by each regent at least seven days prior to any meeting of the board. The 7-day requirement may be waived by the

chair of the board at the request of the president. The provisions of this paragraph are for guidance in preparation for meetings and do not affect the validity of actions of the board.

2. The first order of business at any meeting of the board will be the adoption of the agenda for the meeting. At that time, an item of business may be added to or deleted from the agenda upon a majority vote of the board or committee members present. After the agenda has been adopted by the board or committee, changes can be made upon a two-thirds vote of the members present.
3. The board, its committees, and subcommittees, may conduct public forums or hearings without a formal agenda for the forums or hearings, provided that such meetings are properly noticed in accordance with these bylaws.

K. Effective Date of Actions.

Board action will be effective at the time of the action, unless otherwise specified in the motion.

(02-07-07)

BL09. Public Testimony.

Subject to the will of a majority of the board, the chair may offer an opportunity for public testimony at regular meetings upon such terms as deemed appropriate and may limit the amount of time allocated to any particular individual or issue.

(02-07-07)

BL10. Presentations.

The board may allow presentations by individuals or groups external or internal to the university. Persons or groups not having submitted a timely request in advance of the meeting to make a presentation at a board meeting may be recognized from the floor at the sole discretion of the chair. The chair may limit the length of any presentation.

(02-07-07)

BL11. Minutes; Public Inspection.

A. The minutes of full board meetings will record the action taken on motions or resolutions and, once approved, will be the official record of board actions. The minutes will reflect at least the statement of the problem considered, pertinent recommendations, action taken by the board, and the result of the vote. The minutes will reflect how each regent voted. Separate minutes will not be prepared for proceedings of executive sessions and committee meetings.

B. The approved minutes of the board and other records of public sessions of the board will be available for public inspection under reasonable rules during regular office hours. Minutes shall be retained indefinitely in printed form.

(02-07-07)

BL12. University President.

In accordance with Article VII, Section 3, of the Alaska Constitution, the board will appoint the president by a majority vote of the whole board and fix the president's compensation. The board may annually review the performance of the president. A failure to conduct a performance review is an internal matter and does not affect the validity of any action.

(02-07-07)

BL13. Indemnification.

The board will defend, indemnify, and hold harmless board members and officers, university officers and employees, and members of advisory bodies and councils established by policy or regulation from any and all liability or damage arising out of acts on behalf of the board and the university performed within the course or scope of their official duties.

(02-07-07)

BL14. Board Policies.

The board may adopt, amend, or repeal policies. Action by the board to adopt or amend a policy of the board may be taken at any regular, special, or emergency meeting by a simple majority vote, but any proposed policy or policy proposed for amendment must appear in the advance agenda of the meeting.

(02-07-07)

BL15. Bylaws and Policy Manual.

The board will maintain its bylaws and policies in the form of a compiled manual entitled "Regents' Bylaws and Policy," which will be made available for public inspection.

(02-07-07)

BL16. University Regulations.

The president is authorized to adopt regulations consistent with bylaws and policies of the board and maintain them in the form of a compiled manual entitled "University Regulations," which will be made available for public inspection. The lack of a regulation anticipated in policy is an internal matter and does not create a right of action for any purpose.

(02-07-07)

BL17. Actions by the Board of Regents; Ratification; Objections.

- A. The board at any meeting may take action by motion that is consistent with these bylaws, even if inconsistent with adopted policy.
- B. Requirements of these bylaws may be waived at any time by unanimous consent of all regents who are not disqualified from acting on the matter. Actions of the board in violation of these bylaws may be ratified by a majority vote at a meeting of the board at least three days following notice of the action to all regents.

- C. Objections to proceedings or action taken during meetings must be made as soon as reasonably possible and the right of a regent to object may be waived by action of that regent which is inconsistent with the objection.

(02-07-07)

BL18. Priority in the Event of Conflict.

If provisions conflict, the following order of priority will apply:

1. Bylaws
2. Regents' Policy
3. University Regulation
4. Major Administrative Unit (MAU) Rules and Procedures.

(02-07-07)

BL19. Amendment and Review of Bylaws.

- A. Bylaws may be amended by a majority vote of the whole board at any regular or special meeting. Any proposed amendment, however, must be filed with the secretary of the board at least 14 days prior to the meeting at which the proposed bylaw or amendment to these bylaws will be acted upon, and a copy of the proposed bylaw or amendment to these bylaws will immediately be transmitted by the secretary to each member of the board. A proposed amendment filed and noticed timely may be further amended by a two-thirds majority vote of the whole board at the regular or special meeting specified in the notice.
- B. The filing and notice provisions of this section may be waived by unanimous consent of all regents.
- C. Every five years, the university administration will report to the board on the status of the bylaws, making such recommendations as to revisions, additions and/or deletions as appear appropriate.

(02-07-07)

BL20. Referral of a Regent for Possible Impeachment

- A. Upon a simple majority vote of the whole board finding that it is in the best interests of the university to do so, the board may refer a regent to the senate with a recommendation that the senate consider impeachment of the regent.
- B. Grounds for referral may include:
1. A criminal complaint, presentment, information, indictment or conviction involving a felony in any jurisdiction;
 2. An information, formal criminal charges or conviction of a misdemeanor involving dishonesty, breach of trust, or the University of Alaska;

3. A probable cause determination of a knowing ethics violation under AS 39.52 that results in an accusation under consideration by the personnel board, or a recommendation of removal from office under AS 39.52.410(b)(3);
 4. Circumstances indicating: conduct that necessarily brings the university into disrepute; material, repeated and documented neglect of duty; or a regent's inability to serve for an extended period;
 5. Judicial proceedings involving or an adjudication of incompetence;
 6. A formal allegation or charge, or a final decision, by a professional or occupational licensing body, alleging or finding a violation of the relevant licensing statutes or regulations that is related to the regent's ability or fitness to serve as a regent; or
 7. Failure to possess the qualifications of a regent under AS 14.40.130.
- C. The following process shall be followed in considering a motion to refer for possible impeachment. Consistent with AS 44.62.310(d)(5), the Open Meetings Act does not apply and all meetings regarding a possible referral shall be conducted in executive session. The process shall maintain confidentiality consistent with the circumstances and the requirements of the review:
1. Any member may request an executive session to discuss appointment of a review committee;
 2. The board may consider a motion to appoint a review committee. If a simple majority of the whole board approves the motion:
 - a. The chair shall appoint a review committee of not less than three members and provide written notice to the affected member of the makeup of the committee and the stated grounds for possible referral;
 - b. The review committee shall gather information relevant to the stated grounds for referral, offer the affected member an opportunity to comment on the information gathered, and make a written report of its review, findings and recommendation to the secretary of the board. The report shall be confidential unless a referral for impeachment is made, at which point any further release shall be made in accordance with this bylaw and applicable law. The secretary shall immediately distribute the report to all members of the board, including the affected member.
 3. The chair shall schedule a meeting to consider the report, to occur at least 14 calendar days after distribution. The board shall consider information

the affected member provides in response to the report that is relevant to the issue of referral and consistent with the question before the board.

4. The board shall consider whether it is in the best interests of the university to refer the affected member for possible impeachment.
 - a. In accordance with AS 39.52.120(a)(4), *Roberts Rules of Order* and this bylaw, the affected member may not participate in the vote, but is considered an active member for purposes of the required majority.
5. If the motion passes by the required majority the secretary immediately shall transmit the motion, the report and any written response or materials provided by the affected member to the president of the senate.
 - a. The board shall reconvene in public session and the motion shall be entered in the official minutes of the board.

(03-09-12)