



INDIANA COMMISSION *for*
HIGHER EDUCATION

INDIANA
STATE ETHICS COMMISSION

SEP 12 2013

FILED

IC 4-2-6-11
Post-employment waiver

As the Appointing Authority of the Indiana Commission for Higher Education, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Alecia Nafziger in his post-employment with Indiana University.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of
(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. (Please provide a brief description of the specific particular matter(s) to which this waiver applies below):
- Higher education performance funding formula
 - The Commissioner for Higher Education (CHE) budget recommendations
 - Higher education capital project review process



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B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Ms. Nafziger's job duties involve decision-making authority over policies and contracts. After Commissioner Teresa Lubbers, she is the second signatory authority for the agency responsible for signing contracts, data share agreements, payroll, etc. She develops the CHE budget recommendations for institutions, which includes higher education performance funding formula, and oversees the capital review process for CHE, which is outlined in statute. In addition to these duties, she oversees the following departments: financial aid, IT, and finance.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Ms. Nafziger's prospective employer is Indiana University (IU), and her title would be Director of State Relations and Policy Analysis. In this position, she would be working with legislators, CHE staff, higher education institutions and organizations along with other stakeholders to further higher education policy on behalf of IU.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Ms. Nafziger's role with the prospective employer would involve interaction with CHE. The Commission is a coordinating board, and under IC 21-18-6-1, part of the Commission's purpose is specifically to "plan for and coordinate Indiana's state supported system of postsecondary education." Since IU is part of the "state supported system of postsecondary education," the University interacts with the Commission on a regular basis regarding various matters.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Ms. Nafziger's prospective employment is beneficial to both the state and the public. As mentioned, the purpose of the Commission is coordinate post-secondary education across the State of Indiana. A well-coordinated system means that the Commission is engaged with all entities and organizations statewide, and even nationally, that involve higher education. Having a system in which all stakeholders are working together towards the same goals and objectives improves the experience that Hoosier students receive when entering the post-secondary sphere. Coordination



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of programs, systems and outcomes benefits the student as well as the state. At IU, Ms. Nafziger will be able to understand both the Commission perspective and the IU-specific perspective and more easily communicate between the two entities. This type of communication is how a well-coordinated system is achieved and maintained.

Additionally, Indiana Code 21-18-6-4 specifically states that “the commission has no powers or authority relating to the management, operation, or financing of a state educational institution (i.e. IU) except as expressly set forth by law. All management, operations, and financing of state educational institutions remain exclusively vested in the board of trustees or other governing boards or bodies of the state educational institutions.” This statement further reinforces the fact that the Commission is a coordinating agency that works with the institutions in good faith to promote successful post-secondary education in Indiana.

Thus, it is in the best interest of the state and the public to have knowledge from various viewpoints working for both the Commission as well as the institutions because they have a common goal of providing the best post-secondary education system possible.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Denying this waiver would provide an economic hardship for Ms. Nafziger as she would not have the opportunity to further his career and her passion of working in post-secondary education. She has developed a strong skillset and understands Indiana’s post-secondary system very well. Institutions and other higher education stakeholders provide more opportunities to grow in higher education than are available at the Commission.



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C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Teresa Lubbers

8-29-19
DATE

2. Ethics Officer of agency

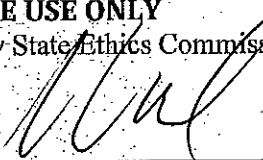
By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Josh Garrison

8-29-19
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
 _____ Katherine Noel, Chair, State Ethics Commission	<u>9-12-19</u> Date



INDIANA COMMISSION ^{for}
HIGHER EDUCATION

Mail to:

Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

OR

Email scanned copy to:
info@ig.in.gov

Upon receipt you will be contacted



INDIANA COMMISSION *for*
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August 29, 2019

Ms. Katherine Noel, Chair
Indiana State Ethics Commission
315 W Ohio Street, Room 104
Indianapolis, Indiana 46204

Re: Post-Employment Waiver for CHE Employee Alecia Nafziger

Dear Ms. Noel,

As the Commissioner of the Indiana Commission for Higher Education (CHE), I have approved and executed a waiver of the "cooling off" period regarding contracts (IC 4-2-6-11(b)(2)) and the particular matter restriction (IC 4-2-6-11(c)) for Alecia Nafziger. Unfortunately, CHE is holding our August Commission meeting on the same date as the State Ethics Commission meeting, September 12, 2019. I, along with CHE's ethics officer, Josh Garrison, must be in attendance of the CHE meeting which is being held in Jasper, Indiana.

Although Mr. Garrison will be in Jasper, I have asked him to call into the September State Ethics Commission meeting to present the waiver. Mr. Garrison and I have discussed my reasons for granting Ms. Nafziger's waiver, and he will be prepared to answer all questions from the State Ethics Commission members concerning the form and substance of the waiver.

Thank you for allowing Mr. Garrison to serve as my representative at the Commission's September 12, 2019 meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Lubbers".

Teresa Lubbers
Commissioner
Indiana Commission for Higher Education

cc: Alecia Nafziger, Associate Commissioner and CFO
Josh Garrison, Associate Commissioner for Legislation and Program Implementation