

- Dan Silverman: Good day, listening public. Today is January 29th, 2021, and thank you for listening to General Disclosure, the podcast on SAN. My name is Dan Silverman and I'm joined, as always, by co-host Cheryl Dowd. Cheryl, did you add the hello club to your golf bag today?
- Cheryl Dowd: Oh my goodness. Hi everybody. It's great to be with you today, and I'm really glad for Dan to be hosting this podcast again this month.
- Dan Silverman: Today, we're joined by Jeannie Yockey-Fine, state authorization legend and currently General Counsel for NC-SARA. Jeannie, welcome.
- Jeannie Yockey-...: Thanks Dan, and thanks for that intro. And it's always good to be here. And of course I always appreciate the Dan Silverman humor.
- Dan Silverman: Good. I'm glad somebody does. Great. So I'll start you out with two questions that we start pretty much everybody on this podcast with, which is, defining your work or your career in any way you choose, why do you do this? You have lots of talents and ideas. Why this?
- Jeannie Yockey-...: NC-SARA, specifically working with NC-SARA, I have worked with and been aware of NC-SARA since before it became NC-SARA. I helped draft some of the language when I was on the steering committee with the Southern Regional Education Board. So I've always been familiar with their mission, what they wanted to accomplish. And a year and a half ago when Marshall Hill, the former president, reached out to me and asked if I would be interested to join NC-SARA, I knew it was a fit that would absolutely work. I've worked in state authorization for over 15 years now. So it's a great fit and it's a fit that I believe in.
- Dan Silverman: If higher ed regulatory compliance, or SARA, or all of this were to go away, what would you do instead?
- Jeannie Yockey-...: I would go back to a practicing law that didn't relate to state authorization. Before I was in that work, prior to 15 years ago, I did litigation. I did private criminal defense. I also did family law, and I also did business law. So I would probably be working in those sectors again.
- Dan Silverman: Do you see any comparison between, say, criminal defense law and what do you do now?
- Jeannie Yockey-...: I would say that there have been times in state authorization where I've talked with some institutions that I feel that I could have represented them in criminal defense in the past. But for the most part, I would say that 99.9% of all universities and post-secondary institutions really do want to do the right thing, so they wouldn't have been one of my clients. But I have talked to hundreds if not thousands of institutions throughout the years, and I would say that that

other 0.1% would've definitely had the potential to be my clients in my former work.

Dan Silverman: One of your former jobs was working as a regulator in Florida. What was one of the most common mistakes you saw institutions make?

Jeannie Yockey-...: I would say that the most common mistake would be when someone relied on what they had heard somewhere else, as far as guidance. Not coming to our state, which was the state of Florida. Not coming to the Florida Department of Education and asking us about how we applied our policy. Not doing their homework to begin with, to actually read the policy before they ask us those questions. So I would say that it wasn't ever intended to be neglect or doing something purposely wrong, but it was more about not doing the homework in the best way to begin with before they approach whatever the situation was that they were doing. And that could be as simple as applying for authorization in Florida, or it could be, again, with how to apply a certain policy, regulation, or statute that that institution believed they were applying correctly and then found out later, oops. Maybe not.

Dan Silverman: Did your work in law firms change your perception of the challenges facing institutions?

Jeannie Yockey-...: It was interesting to be on the other side of the fence, so to speak. I can tell you that one common theme I would hear from many of our clients was that, "Wow, I definitely can tell that you used to be a regulator." And that's because I continued to wear the regulator hat even as I worked with clients, because it was important for them to understand how a regulator looks at things and also how a regulator feels in their everyday work. Why it matters, when you're an institution, to reach out to the state regulator after you have done your homework, like I talked about before. It's so helpful when you can actually say, "I was looking at section 10 in the so-and-so statute and I am not sure if that means that we should be doing this or we shouldn't. I'm so sorry, but I'm not sure which this means."

But it's so helpful when someone who reaches out to a regulator can actually reference what it is they're talking about in the statutes or in the regulations when they have that question. So I think that one of the things I was able to bring to my clients is, having lived in that world for several years, I understood the best approach when working with regulators,

Dan Silverman: Cheryl, as someone who can cite regulations in her sleep, do you have any followup questions on that particular point?

Cheryl Dowd: Well, it's interesting that you say that because just today, Jeannie, I've been dealing with a situation where somebody believed they understood what the regulations say but hadn't actually read them. And so they said, "No, it's this." And so I think that you and I share a common thought that we share with

institutions about, there's no substitute for having someone actually read the regulation or the SARA manual for that matter to know the specific language to help uncover what is actually required. I know people need the resource material to explain sometimes, but that reviewing the specific language is so important. Do you have any thoughts on that, Jeannie?

Jeannie Yockey-...: Yeah. I would follow up and say that Cheryl and I have presented together for many years, and definitely that is something that we have talked about for all of those many years, how important it is to do... Again, it takes it back to that doing the homework and having that reference point. And I can tell you that there have been times where someone has asked about a SARA policy and, again, have said what they believe, as Cheryl just mentioned, yet they have not actually looked at the SARA policy manual in perhaps a year and a half. So one of the things that we always try to do is remind everyone of the current manual being on our website and how important it is to reference that. And I can tell you that there have been times also where we have done webinars and have given a lot of really good information.

And one of the things that Cheryl and I always talk about is we bring people back to the actual language, whether it's the statute, the regulation, or the policy manual, in my case usually, now, and how important it is to break down each word and what it really means. And I can tell you that we have done that in webinars, but sometimes still someone will reach out and say, "Well, I haven't had a chance to really look at your manual, but..." And then ask a question. And that goes back to what I talked about first. My biggest ask would be to please look at our policy manual first. And we're going to help you either way, but I would say it helps us but it also helps you because you are going to have a much better understanding of what's out there. There's a lot of great material on our website, just like there's a lot of great material on the WCET and the SAN website.

There's so much good information out there, and you can get a lot of great information from the FAQs that are posted. So I would ask anyone who is unsure of certain topic areas that impact them from an NC-SARA perspective to please look at that information and see what you might learn. And then, as always, we're absolutely happy to help.

Dan Silverman: Has anything surprised you? What has surprised you over the years? You've seen [inaudible 00:09:35] authorization and compliance grow over these last 15 years. What has surprised you in its development?

Jeannie Yockey-...: Well, I don't know if I was so surprised about it but I can tell you that, in general, I know a lot of people who have been surprised at the growth of distance education. I can tell you that back when I started at the Florida Department of Education... And again, all of this was at the Commission for Independent Education. I can tell you that there was still a lot of hesitation out there. And I don't mean just where I worked, I mean broader than that, where we would

hear from people who would say, "Well, we heard that so-and-so institution was actually trying to teach something online. Can they do that? Can you imagine that? How could it possibly be as good?" Those types of things. And it seems odd to think about those conversations now, even 15 years later, however, that was the common conversation.

I can remember a little over 10 years ago there was an organization in Florida that would have faculty members come there and practice teaching online. They would film them. They would have them practice and talk about what it meant to teach online versus face-to-face. And I'm not saying that that's still not a good idea, because I think it is, especially if you're new to that world. But back then, that was almost groundbreaking, that people were practicing like that and doing anything to learn how to teach in this other type of world, this online world. And so it's so much more commonplace now that that seems like that should have been a lot more years ago than it was that those conversations were taking place.

Dan Silverman: If you were to become the czar of state authorization regulation, and you could write the regs however you wanted, what would be important for you to include?

Jeannie Yockey-...: That's a fun question. I think that I would continue to find words to express that people don't need to think of distance education differently than face-to-face education, that while in some practical terms certain things may need to be looked at... For example, for face-to-face, it's certainly important that a state is familiar with the location in which that is occurring, that it's not in Uncle Fred's basement, but it's actually in a proper building. But other than that, the education, I would write language to help make it clear that there's nothing diminished in distance education versus that which is face-to-face. So I think that would probably be my biggest mission. Again, we've come such a long way, but there are certainly things out there and there are still statutes, quite frankly, that need to be written better at the state level to make that clear that it is not this odd, foreign thing, that distance education is much more than that and that it is as strong as face-to-face. And in places where it may not be yet, it certainly can be.

Dan Silverman: One question finally, and then Cheryl, you can follow up with your last one. People may not know that Jeannie is a bowling expert, aficionado, very experienced. Do you see any connections between bowling and state authorization?

Jeannie Yockey-...: I would say that I probably saw that connection more as a state regulator. And by the way, the bowling connection I have is that that is one of the hats that my husband wears. He is the bowling coach at Florida State University. He also wears many other hats there, including he is also the director for e-sports at Florida State University. But we're talking about bowling right now. And I would say that when I talked about those rare institutions that weren't behaving as

they should, I was involved in many onsite visits in Florida where I think that the strength of a heavy bowling ball sometimes would come in handy. Not that I would use it, but just the thought of being able to just knock out the problems... And I don't mean the people, the problems with such bowling ball, and the problems lined up as pins, would be kind of a nice analogy.

And I can tell you that in those rare instances where there were serious consequences, I think that's how we dealt with it. We were good about lining everything up, organizing how we would best work with that institution, whether it be a teacher out or whatever else needed to be done, and knocking those pins down one by one. So I guess that's how I would bring the bowling analogy into being a regulator.

Dan Silverman: Cheryl, do you have any follow to that?

Cheryl Dowd: That was really impressive and very... I don't know. I'll have to ponder that for a while. But I also see Mike's hats as being a Leafs fan, and I feel bad about that but that's another story for another day, too. But as far as regulations and whatnot go, it makes... What you're saying, Jeannie, I think we've all seen this in the growth of distance education, is that when these regulations were first becoming more obvious to institutions and to states themselves was the infancy, really, of distance education. It's grown so much, and the quality has grown so much over these last 10 years.

That it's just really interesting. There is so much more to have oversight of, but I hear you completely about how states... And I'm aware of a couple of states that want to revisit their laws and regulations to be able to address it. Shoot, the Department of Ed has to do that with its rulemaking since the HEA hasn't been revised in, what? 13 years, to be able to address this new world of continuing quality for distance education. Even law is looking like they're going to be doing more by distance education.

Jeannie Yockey-...: Right. And back when you and I went to law school, who would've ever thought that? I know that we would not have thought that back then. And when I say back then, it wasn't way back then. Cheryl and I aren't that old. But back then it was so heavily emphasized, the importance of the in-person Socratic method. And I can't imagine any of the professors or anyone picturing a day where the ABA would be okay with some online classes being okay, X amount of hours being okay for a law school.

Cheryl Dowd: Well, I would be pretty impressed to see what the Socratic method law school type looks like in Zoom. In my contracts class, we would have to stand when we spoke. So that old school method, I think that would be really interesting. I'm getting off topic. Sorry there, Dan.

Dan Silverman: Okay. Jeannie, is there anything else you'd like to tell us or points you'd like to make to our vast audience of distant cousins?

- Jeannie Yockey-....: No, just it's been great as always talking with both of you. And usually our conversations, other than webinars, aren't recorded. But it's always great to have an excuse to get together and talk. And I look forward to all the presentations that we'll do together in the future about whatever the hot topic is, whether it comes from NC-SARA, whether it comes from federal language, or somewhere else that we're not even contemplating. So I'll look forward to all of the get togethers that all of this we'll have in the future, including those listening.
- Dan Silverman: Well, thanks Jeannie. Our next segment here is out of left field. I'm going to go ahead and skip it for this week. It had to do with drainage ditches and birds and malls. And I had it connected to higher ed, but I'll let you guys make that up for yourself and we're going to move on everybody's favorite: Cheryl on musicals. Now Cheryl, you mentioned recently that you have purchased a subscription to Broadway HD. Is that what it is?
- Cheryl Dowd: Yes. That's another streaming service.
- Dan Silverman: Okay. So what on your list there, for the must sees?
- Cheryl Dowd: Let's see. Kinky Boots is on there, and it's the West End version. Funny Girl. Again, the West End, meaning in England for those of you that aren't following that. But they are the live stage versions like you all find on Disney Plus for Hamilton. There's also some movie musicals that you'll find on Broadway HD as well. I just watched, the other day... And some will say it's not the best movie in the world, but it was Jersey Boys, that Clint Eastwood directed, version of the musical about Frankie Valli & the Four Seasons. Anyway, there's good content. And there's also concerts. There's a Sutton Foster concert that is particularly good. So I would encourage you all to take a look. I think you can get a 30 day free trial.
- Dan Silverman: If 2020 were a musical, what would it be?
- Cheryl Dowd: Oh, geez. There's one that was called Disaster. It's a musical called Disaster. And it's kind of a play off of all the different disaster movies that were popular in the '70s. So I think that kind of fits that situation. I also found it amusing that the day before the election, there were several amusing people out there that were posting things on social media about One Day More from Les Mis and making it funny, the day before the election. And James Corden was the one that probably got the most hits, but that was pretty funny too. So a Les Mis reference.
- Dan Silverman: Now, sticking with music. We're going to switch gears a little bit here. Another one of Jeannie's interest and talents is video games. Jeannie, video game music has gotten better and gotten some recognition. Is there a particular game that you've found that the soundtrack has really enhanced your enjoyment of?

- Jeannie Yockey-...: Wow. There have been so many good soundtracks throughout the years. And I think you're right, though, that people are paying more attention now. And part of that's because people are paying more attention to video games as a whole. For one thing, they've realized that it's a larger money-making industry than movies. So that's part of why there's attention. But I would say probably music from different soundtracks of Zelda. Zelda is a Nintendo franchise. I think that's probably what I would go with.
- Dan Silverman: I can even still think about some of the songs from Tecmo Bowl and some of the football games too. I can still hear some of the celebratory stuff. And that wasn't even really soundtrack as much as just sound effects.
- Jeannie Yockey-...: Right. Right. And now the games such as NBA 2K '21 and Madden football have some amazing music in them as well. It's going to be more current, more pop culture, more pop type music, but a lot of fun music. Another game that actually has a lot of really fun music in it is Fortnite. And in Fortnite you get in different vehicles and there are different radio stations in the vehicles. And so you might get in and there might be Latin music. You can move the radio station. You might move it to pop music, different soundtracks. So I think that's one that most people have heard of but they wouldn't know that so much actually goes on in the game such as some really, really good music.
- Dan Silverman: Well, if we were to have a radio station on there that could switch to musical soundtracks, then we'd really have a combining of two worlds.
- Jeannie Yockey-...: I think that might even get Cheryl on board with playing duos in Fortnite with me.
- Dan Silverman: Well, I think that's probably as far as we can take it today. Jeannie, thank you so much for coming on. Cheryl, thanks as always. And thanks to all of you for listening.
- Cheryl Dowd: And I just want to thank Jeannie too, because Jeannie's an important colleague and she, in her various roles that she's played over the last many years, has been a really great colleague to SAN. And we really appreciate our opportunities to work with her, and the relationships that we've built.
- Jeannie Yockey-...: Thank you both. Appreciate it.
- Cheryl Dowd: Thanks again, Dan.